

# BRITISH ENACTMENTS

## In Force in Native States

### VOLUME IV

#### States in Relation with Local Governments.

- |  |                             |
|--|-----------------------------|
| 1—Statutes in force                                    | 5—Acts locally applied      |
| 2—Acts of the Governor General in Council in force     | 6—Orders relating to Courts |
| 3—Orders under Statutes in force                       | 7—Local or Special Laws     |
| 4—Orders under Acts of the Governor General in Council | 8—Orders under Acts applied |
|  | 9—Order under Local Laws    |

In Assam, Bengal, Bihar and Orissa, Bombay (including Aden Protectorate),  
Burma, Central Provinces, Madras, Punjab and United Provinces

COMPILED BY

J. M. MACPHERSON

*of the Inner Temple, Barrister-at-Law, and Secretary to the  
Government of India, Legislative Department.*

#### SECOND EDITION

Revised and continued up to the 15th August 1899,

*By A. WILLIAMS, LL.M., I.C.S.*

#### THIRD EDITION

Further revised and continued up to the 19th April 1913,

*By O. V. BOSANQUET, C.I.E., I.C.S.*

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## PREFACE TO THE FIRST EDITION.

THESE Volumes contain all the information I have been able to collect concerning the British Enactments in force in the Native States in India.<sup>1</sup>

2. The term "British Enactments," as used in these volumes, includes—

- (I) the Enactments made by the British Legislature in exercise of the general jurisdiction which it possesses over its subjects and servants in all Native States, and
- (II) the Enactments made by or under the authority of the British Indian Executive Government in exercise of the special jurisdiction which it has acquired, usually over all persons, in certain Native States or places therein.

3. <sup>2</sup>The distinction between these two classes of Enactments has been observed in classifying the British Enactments in force in the Native States dealt with in these volumes, the Enactments in force in each local area having been placed under separate heads according as they belong to one or other of these classes. Enactments which purport to be solely made under the authority of the Legislature, or which appear to be limited to the classes of persons with which the Legislature can deal, have been arranged under one head and styled "British-Indian Enactments"; whilst Enactments which purport to be made, in whole or in part, under the special authority of the Executive Government above described, or which do not appear to be limited to the classes of

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<sup>1</sup> *i.e.*, the territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor-General of India, or through any Governor or other officer subordinate to the Governor-General of India—*see* 52 and 53 Vict., cap. 68, s. 18 (5).

<sup>2</sup> There are certain exceptions to the general rules laid down in this paragraph, which are noticed in the body of the Lists.

persons with which the Legislature can deal, have been arranged under a different head, having as its title the name of the particular place for which the Enactments have been made with the word "British" prefixed. Broadly speaking, the "British-Indian Enactments" are personal laws applicable only to British subjects or servants, whilst the other Enactments are territorial laws applicable to all persons in the particular places to which they respectively refer.

4. The minor classification under each of these heads is identical, the Enactments being arranged, as far as possible, in separate lists, as they are of the nature of—

- (1) Principal Enactments, that is, Enactments made under the immediate authority of the Legislature or the Executive Government, consisting of—

*A.—Enactments of the Legislature—*

- (a) Statutes,
- (b) Acts of the Governor-General in Council<sup>1</sup>;

*B.—Enactments of the Executive Government—*

- (a) Enactments of the British-Indian Legislatures applied,
  - (b) Special Laws; or
- (2) Subordinate Enactments, that is, Enactments (Rules and Orders) made under authority conferred in this behalf by Principal Enactments.

5. "Special Laws" are new laws made by the Executive Government for places in which it has acquired special jurisdiction, while "Enactments of the British-Indian Legislatures

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<sup>1</sup>Strictly speaking, *all* the Enactments of the Legislatures established in this country are Subordinate Enactments, inasmuch as the Indian Legislatures derive their authority solely from Parliamentary Enactments; but for the purposes of these Lists, Acts of the Governor-General in Council are classified as on the same footing with Statutes.

applied" are, as their title indicates, existing British-Indian Enactments which have, by order of the Executive Government, been adopted, usually with certain modifications, as laws in such places. Though there is no material distinction between these two kinds of Enactments, it has been found convenient to arrange them in separate groups in these volumes.

6. A general classification of the British Enactments which may be made for the Native States in India, and a detailed classification of the various British Enactments actually in force in the Native States dealt with in each volume, which have been prepared in accordance with the above remarks, will be found in Statements Nos. I and II, prefixed to these volumes (pages xi and xii).

7. The Enactments which the various Native States may have made for their respective territories are beyond the scope of this work.

8. For the convenience of local officers, each volume contains (*see* Part I) the British Enactments in force generally in all Native States in India, as well as the Enactments in force locally in the particular Native States with which it deals.

9. Numerous references to Aitchison's Treaties have been inserted, which will, it is hoped, add to the usefulness of these Lists. The revised edition of 1876 is the one referred to.

10. A short alphabetical index of names of places has been appended for convenience of reference.

11. In compiling the volumes—

(a) Rules and Orders of a temporary nature or conferring powers on persons by name have, as a rule, been omitted; and

(b) Special Laws and Subordinate Enactments, which are not to be found in the Codes published by the Legislative Department, have, as a rule, been set out *in extenso*.

12. Mr. G. R. Ridge of the Legislative Department Office has assisted me in the preparation of these Lists, and Mr. F. G.

Wigley, the Officiating Under Secretary, has kindly undertaken to supervise the passing of the final proof through the Press and the insertion of such Enactments as may be issued after this date.

13. Lastly, it must be stated that these volumes are not authoritative, and that the Government of India is in no way responsible for their contents. They have been compiled by me from the Official Gazettes, supplemented by local information obtained through the Foreign Department. Though I have made them as complete and accurate as was possible, having regard to the materials at my disposal and the limited time which I have been at liberty to devote to the work, I am fully conscious of their many defects. At the same time I hope that notwithstanding their imperfections, the volumes will be found to be of some practical value to Political Officers and others desirous of obtaining information concerning the British Enactments in force in the Native States in India.

J. M. MACPHERSON.

SIMLA;

The 27th October 1890.

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In his recent valuable work, "The Protected Native States of India," Mr. Lee-Warner states (see page 366), that if the reader "refers to the official Gazettes of the Indian Government he will find many scores of pages devoted annually to the judicial notifications published by the political offices of the Empire. The law relating to the Native States fills thousands of pages." The object of the work now being brought to completion has been to save the labour and trouble involved in referring to the official Gazettes for these Notifications by supplying information in a classified form as to their contents. Though the work only professes to contain lists of the Notifications in question, it will be found on examination that, except in the case of the two first volumes, which do not, as a rule, reproduce the subordinate Enactments, the whole of each Notification referred to in these volumes is set out *in extenso* either in the last column of the

Lists or in the appendices, so that a reference to the Gazettes, even for the purpose of ascertaining the exact words of a Notification, has been rendered unnecessary. Indeed, if used in conjunction with the "Codes" published by the Legislative Department, which contain the Statutes, Acts, and Regulations mentioned in the Lists, these volumes ought to form a fairly complete handbook to the British Enactments now in force in the Native States of India.

The subject of the relations between the British Government and the Native States of India has of late been brought before the public not only in Mr. Lee-Warner's work above mentioned, but also in Mr. Tupper's no less valuable work, "Our Indian Protectorate." In both these volumes these relations have been treated of chiefly from a politico-historical point of view. In his earlier work, entitled "A Collection of Treaties, Engagements, and Sanads relating to India and neighbouring countries," of which a revised edition has recently been published, Sir Charles Aitchison dealt very fully and comprehensively with the same subject, mainly from the standpoint of our contractual relations towards these States. In these and the previous volumes of this work an attempt has been made to approach this subject from what may be described as its legal or jurisdictional aspect, the object being to show the extent to which British-made law applies to these Native States, and, though these volumes are practically little more than compilations of information which is available to any one who chooses to study the Gazettes, they will perhaps help to throw light on what has hitherto been a somewhat confusing branch of the subject.

J. M. MACPHERSON.

SIMLA;

*The 1st January 1895.*





## PREFACE TO THE SECOND EDITION.

IN preparing for publication the second edition of this work one important alteration has been introduced which, it is hoped, will render it more useful for purposes of reference. In the first edition the Enactments were merely summarized and included in the lists, with the exception of certain special ones, which were reproduced *in extenso* in Appendices: in the present edition, however, all Enactments which have been issued by the Government of India have been reproduced *in extenso*, except in so far as they are to be found in the volumes of General Acts of the Governor-General in Council, or in one of the Provincial Codes. In such cases full references are given: and the chronological lists which formed the basis of the first edition are only retained in a simplified form to serve the purposes of a table or index. In its present form it is hoped that the work may be regarded as a not inadequate supplement to the General Acts of the Governor-General in Council and the Provincial Codes.

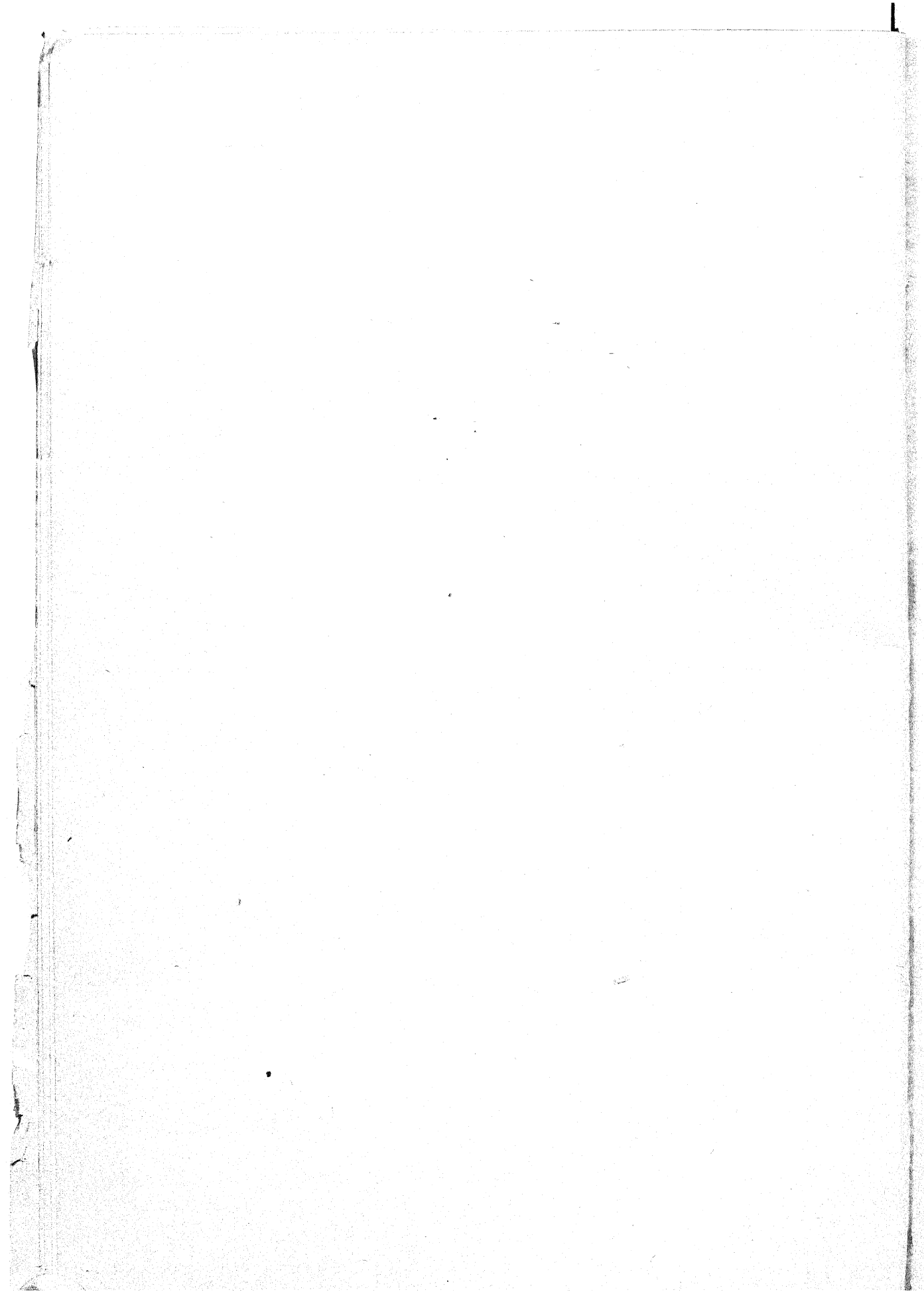
2. A general nominal index has been added at the end of the sixth Volume (the Western Indian Volume) for facility of reference.

3. Mr. Macpherson, the Secretary to the Government of India in the Legislative Department, who compiled the first edition, has kindly permitted me to consult him in matters regarding the general scheme of the work, and I have to express my obligations to him for his advice. I have also had the assistance of Mr. Ridge of the Legislative Department Office, who has been most useful in helping to prepare the volumes for Press.

A. WILLIAMS.

SIMLA;

The 15th September 1899.



## PREFACE TO THE THIRD EDITION.

IN this, the third, edition of "British Enactments in force in Native States," the system of arrangement has been altered from that adopted by Mr. (now Sir John) Macpherson in the first edition. States in relation with the Government of India, with the Administered Areas situated in them, have been grouped (Volumes I-III) apart from those in relation with Local Governments (Volume IV), while one Volume (V) is devoted to Railways wherever situated. Again orders under Acts applied and under Local Laws have been separated from the rest of the enactments, and form Volumes II and III in the case of the first group of States, and Part II of Volume IV in the case of the second group, and Part II of Volume V in the case of railways. Lastly, for convenience of reference, orders relating to Courts have been entered under a separate sub-head in each chapter in Volumes I, IV, Part I, and V, Part I. In the Appendices have been collected all orders to which there are constant references in the body of the work, or which it is convenient to group together for purposes of comparison, such as orders relating to the appointment of Justices of the Peace, of Marriage Registrars, and of Registrars of Births and Deaths.

Each Volume states the law as in force on the 19th April 1913.

O. V. BOSANQUET.

SIMLA;  
*The 24th April 1913.*



# STATES IN RELATION WITH LOCAL GOVERNMENTS.

## PART I.

### CHAPTER I.

### ASSAM.

The States in the political control of the Chief Commissioner of Assam are :—

Agency.		States.
Khasi Hill States.	1. Bhawal. 2. Cherra (Sohrah). 3. Dwara Nongtyrmen. 4. Jirang. 5. Khyrim. 6. Langrin. 7. Longiong. 8. Maharam. 9. Malaisohmat. 10. Maodon. 11. Maoflang. 12. Maoiang.	13. Maolong. 14. Maosanrar. 15. Mariaw. 16. Mylliem. 17. Nobosophoh. 18. Nongkhlaio. 19. Nongliwai. 20. Nongspung. 21. Nongstoin. 22. Pomsanngut. 23. Rambrai. 24. Shella. 25. Sohiong.
Manipur.	Manipur.	

The Chiefs (*Seims*) of the Khasi States enjoy only limited powers. Their jurisdiction is confined to Civil suits \* and minor criminal cases in which their own Khasi subjects alone are concerned, all other suits and cases being referred to the Political Agent (who is Deputy Commissioner of the Khasi and Jaintia Hills District) for adjudication. Their administrative powers are also subject to various restrictions.

In the Manipur State both civil and criminal jurisdiction over British subjects vests in the Political Agent. But the Vice-President of the Durbar, who is a British Officer lent to the State, has been invested with the powers of a Magistrate of the first class in respect to British subjects who are natives of the Naga, Chin or Lushai Hills, and he is also empowered to dispose of all civil suits in which such persons are concerned. Appeals lie from the Vice-President's decisions to the Political Agent, who also disposes of all cases

\* The *Seims* of States Nos. 6, 9, 12, 14, 21 and 24 have agreed that suits for divorce and other matrimonial cases where the parties are Native Christians shall be decided by the Political Agent. The *Seims* of States Nos. 7, 8, 10, 15, 17, 19, 20, 22, 23 and 25 have agreed to the disposal of such matters by the Political Agent jointly with the *Seim*.

for which the Vice-President's magisterial powers are inadequate, subject to confirmation by the Chief Commissioner of sentences of death, or of transportation or imprisonment exceeding seven years. A similar arrangement obtains in the case of the Hill tribes dependent on the Manipur State, except that no appeals lie in civil cases.

The only Administered Area in these States is the British Reserve in Manipur, which consists of the head-quarters of the Agency at Imphal and a small sanitarium at Kanjupkhul. In certain lands adjoining Shillong the *Seim* of Myllem has ceded the jurisdiction necessary for Municipal administration only.

## NATIVE STATES IN ASSAM.

The following British enactments are in force in the Native States in Assam :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV. 28 Vict., c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III. 53 and 54 Vict., c. 37.

IV.—Orders under Acts of the Governor-General in Council.

*No. 1332-E., dated the 29th June 1888.*—Printed in Appendix V.

Indian Christian Marriage Act, 1872.  
Certificates of marriage to be sent to the Secretary to the Chief Commissioner.

*No. 2033-I.B., dated the 26th September 1912.*—Printed in Appendix V. Delegation to the Chief Commissioner of full powers under the Act.

*No. 1586-E., dated the 29th August 1892.*—Printed in Appendix V. Fees and Rules.

Indian Arms Act, 1878.

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII. Exemption of certain persons in Native States from certain prohibitions and directions contained in the Act.  
(The Indian Arms Rules, 1909.)

Rules regarding the export of arms and ammunition from, and their import into, British India.

Births, Deaths and Marriages Registration Act, 1886.

*No. 1173, dated the 19th July 1888.*—Printed in Appendix VIII. Rules and fees.

Indian Foreign  
Marriage Act, 1903.

Fees.

*No. 341, dated the 11th August 1904.*—In exercise of the power conferred by sub-section 4 of section 2 of the Indian Foreign Marriage Act, 1903 (XIV of 1903), the Governor-General in Council is pleased to prescribe a fee of Rs. 5 for every certificate to the effect that notice under the Act has been given, and published in accordance with the said section.

A Marriage Registrar, District Magistrate, \* \* \* or Political Agent may in his discretion remit a part not exceeding three-fourths of the fee to any person who appears to him to be in indigent circumstances.

Where the fee is received by any person, who is a Government servant and not a minister of religion, it shall be paid into a Government Treasury : and where it is received by any other person it may be retained by him.

[ *Gazette of India*, 1904, Pt. I, p. 592. ]

Indian Extradition  
Act, 1903.

Rules under the  
Act, except in areas  
in Native States  
under British  
jurisdiction.

*No. 1862-I.A., dated the 13th May 1904.*—Printed in Appendix IX.

Indian Universities  
Act, 1904.

Inclusion of Assam  
States in the  
territorial limits  
of the Calcutta  
University.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

Code of Civil  
Procedure, 1908.

Authority to sanction  
institution of suits,  
and execution of  
decrees, against  
Chief of Manipur.

*No. 749-I.B., dated the 27th March 1912.*—Printed in Appendix XI.

Administrator-  
General's Act, 1874.

Assignment of  
States to territorial  
division for purposes  
of the Act.

*No. 855--I.B., dated the 16th April 1913.*—Printed in Appendix VI.

Exercise of the  
powers and duties of  
a District Judge  
under the Act.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.



### V.—Orders relating to Courts.

*No. 1431-I., dated the 27th April 1893.*—Printed in Appendix XIII.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.

*No. 1863-I.A., dated the 13th May 1904.*—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV.

Jurisdiction of the High Court at Calcutta over European British subjects.

*No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction.

- *No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

Appointments of Justices of the Peace.

*No. 411-E., dated the 3rd March 1891.*—Printed in Appendix IV.

Manipur.

*No. 534-I.B., dated the 12th March 1909.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No. 412-E., dated the 3rd March 1891, the Governor-General in Council is pleased to make the following orders determining the powers of the Political Agent, Manipur, in respect of criminal proceedings within the limits of the State of Manipur in which a British subject is either a complainant or an accused, and of all criminal proceedings within the limits of the British Reserve, Manipur, as set out in notification<sup>1</sup> No. 533-I.B., dated the 12th March 1909.

British Criminal Courts in the Manipur State.

I. In respect of criminal proceeding against (a) European British subjects, (b) persons tried jointly with European British subjects, the Political Agent for the time being shall exercise the powers of a Magistrate of the first class

<sup>1</sup> Printed *infra*, p. 18.

under the Code of Criminal Procedure, 1898 (V of 1898). There being no Court of Sessions having jurisdiction in respect of cases of this class in Manipur, appeals from sentences passed by the Political Agent in exercise of the said powers shall lie to the High Court, and if in any case the Political Agent is of opinion that the offence cannot be adequately punished by him and that the accused should be committed, the commitment shall be made to the High Court.

II. Except in the case referred to in the foregoing paragraph, and in cases in which only natives of the Lushai, Chin, or Naga Hills are concerned, in all cases in which a British subject is either an accused or a complainant, or which arise within the limits of the British Reserve :—

- (1) The Political Agent, Manipur, for the time being shall exercise the powers of a District Magistrate and a Court of Session as described in the Code of Criminal Procedure, 1898.
- (2) The <sup>1</sup> [Chief Commissioner of Assam] for the time being shall exercise the powers of a Court of Sessions and a High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by the Political Agent, Manipur, provided that the Political Agent shall not commit any accused person for trial to the Chief Commissioner acting as a Court of Session.
- (3) The <sup>1</sup> [Chief Commissioner of Assam] for the time being shall exercise the powers of a High Court as described in the said Code in respect of all offences over which the jurisdiction of a Court of Session is exercised by the Political Agent, Manipur.
- (4) In the exercise of the jurisdiction of a Court of Session conferred on him by clause II (2) of this notification, the Political Agent, Manipur, may take cognizance of an offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.
- (5) The Political Agent, Manipur, is empowered to make over to the Manipur State authorities for trial, any case in which only Manipuri subjects are concerned of which he has taken cognizance under the jurisdiction vested in him by this notification.

[*Gazette of India*, 1909, Pt. I, p. 202.]

<sup>1</sup> Substituted by notification No. 751-I.B., dated the 27th March 1912. *Gazette of India*, 1912, Pt. I, p. 391.

No. 535-I.B., dated the 12th March 1909.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No. 413-E., dated the 3rd March 1891, the Governor-General in Council is pleased to make the following orders for regulating the exercise of civil jurisdiction in the State of Manipur in cases in which British subjects are parties, except in cases in which no British subject other than a native of the Naga Hill, Chin Hills, or Lushai Hills districts is concerned, and in cases arising within the limits of the British Reserve as set out in notification No. 533-I.B., dated the 12th March 1909 :—

British Civil  
Courts in the  
Manipur State.

\* \* \* \* \*

(4) There shall be a Court of Small Causes with jurisdiction in all suits, cognizable under the Provincial Small Cause Courts Act, 1837, when the amount or value of the subject-matter does not exceed five hundred rupees, and the Political Agent, Manipur, for the time being shall be the Judge of the Court of Small Causes.

(5) The Political Agent, Manipur, for the time being shall exercise the powers of a District Court as described in the Code of Civil Procedure, with jurisdiction in all original suits whatever be the amount or value of the subject-matter and in all other cases in which jurisdiction is conferred on the District Court by any of the Acts specified in the schedule to this notification.

(6) Subject to the provisions of the Acts specified in the schedule<sup>2</sup> to this notification, appeals from decrees and orders made by the Political Agent in exercise of the powers of a District Court shall lie to the<sup>3</sup> [Chief Commissioner of Assam] who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of Civil Justice in the cases to which this notification applies.

(7) If on the face of any plaint presented in this Court it shall appear that all the parties concerned are subjects of the Manipur State, the Political Agent may, if he thinks fit, return the plaint for presentation in any Court of the Manipur State having jurisdiction, and the case shall then be triable in such State Court, even though any or all of the parties are residents in the British Reserve.

\* \* \* \* \*

[*Gazette of India*, 1909, Pt. I., p. 203.]

<sup>1</sup> Printed *infra*, p. 13.

<sup>2</sup> Printed *infra*, p. 11.

<sup>3</sup> Substituted by notification No. 751-I.B., dated the 27th March 1912. *Gazette of India*, 1912, Pt. I, p. 391.

Courts in British India empowered to send summonses under the Civil Procedure Code and decrees to the Court of the Political Agent, Manipur, for service and execution.

Service by the Court of the Political Agent, Manipur, of summonses—

(a) of Civil or Revenue Courts in British India ;  
(b) of other<sup>1</sup> Courts established or continued by the Governor-General in Council ;  
(c) of Civil or Revenue Courts of Hyderabad, Mysore, Central India States, States in the Political control of the Bombay Government and Baroda.

Execution by the Court of the Political Agent, Manipur, of decrees—

(a) of other Courts established or continued by the Governor-General in Council ;  
(b) of certain Courts of Mysore, States in the Political control of the Bombay Government and Baroda.

Service of summonses of the Court of the Political Agent, Manipur<sup>2</sup> ;

(a) by other<sup>1</sup> Courts established or continued by the Governor-General in Council ;

*No. 788-I.B., dated the 9th April 1913.*—Printed in Appendix XII A.

*No. 1366-I., dated the 29th March 1889.*

*No. 1367-I., dated the 29th March 1889.*

*No. 1368-I., dated the 29th March 1889.*

*No. 2182-I., dated the 2nd July 1890.*

*No. 397-I.B., dated the 25th February 1910.*

} Printed in Appendix XII A.

*No. 1363-I., dated the 29th March 1889.*

*No. 1364-I., dated the 29th March 1889.*

*No. 4051-I.A., dated the 18th September 1902.*

*No. 399-I.B., dated the 25th February 1910.*

} Printed in Appendix XII A.

*No. 1367-I., dated the 29th March 1889.*—Printed in Appendix XII A.

<sup>1</sup> For such Courts in other parts of India see notifications Nos. 786 and 787-I.B., dated the 9th April 1913. Printed in Appendix XII A.

<sup>2</sup> As a Court established by the Governor-General in Council, the Court of the Political Agent can send its summonses and decrees to Courts in British India for service and execution under sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908). Printed General Acts, Vol. VI, Ed. 1909, p. 133.

*No. 398-I.B., dated the 25th February 1910.*  
*No. 2622-I.B., dated the 24th December 1912.*

} Printed in Appendix XII C. (b) by Civil Courts of the Baroda and Mysore States.

Execution of  
 decrees of the Court  
 of the Political  
 Agent, Manipur<sup>1</sup>;

*No. 1363-I., dated the 29th March 1889.*—Printed in Appendix XII A.

(a) by other<sup>2</sup> Courts  
 established or  
 continued by the  
 Governor-General in  
 Council,

*No. 2623-I.B., dated the 24th December 1912.*—Printed in Appendix XII C. (b) Civil Courts of the Baroda and Mysore States.

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<sup>1</sup> See footnote 2 on previous page.

<sup>2</sup> See footnote 1 on previous page.



## VI.—Special Laws.

No. 535-I.B., dated the 12th March 1909.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, \* \* Application of provisions of certain General Acts. the Governor-General in Council is pleased to make the following orders for regulating the exercise of civil jurisdiction in the State of Manipur in cases in which British subjects are parties (except in cases in which no British subject other than a native of the Naga Hills, Chin Hills, or Lushai Hills districts is concerned) and in cases arising within the limits of the British Reserve as set out in notification<sup>1</sup> No. 533-I.B., dated the 12th March 1909 :—

(1) The provisions, so far as they can be made applicable in the circumstances for the time being, and as amended for the time being by subsequent enactments, of the Acts specified in the schedule to this notification, shall be applied.

(2) For the purposes of the said Acts, the<sup>2</sup>[Chief Commissioner of Assam] shall be deemed to be the Local Government.

(3) For the purpose of facilitating the application of the said Acts in any case any of their provisions may be construed with such alterations not affecting the substance as may be necessary or proper to adapt them to the circumstances of that case.

\* \* \* \*

## SCHEDULE.

Number and Year.	Short Title.
Act X of 1865 . . .	The Indian Succession Act, 1865.
Act VII of 1870 . . .	The Court Fees Act, 1870.
Act I of 1872 . . .	The Indian Evidence Act, 1872.
Act IX of 1872 . . .	The Indian Contract Act, 1872.
Act V of 1881 . . .	The Probate and Administration Act, 1881.
Act IX of 1887 . . .	The Provincial Small Cause Courts Act, 1887.
Act VI of 1888 . . .	The Debtors Act, 1888.
Act VII of 1889 . . .	The Succession Certificate Act, 1889.
Act V of 1908 . . .	The Code of Civil Procedure, 1908.
Act IX of 1908 . . .	The Indian Limitation Act, 1908.
<sup>4</sup> [Act VII of 1910 . . .]	The Court Fees (Amendment) Act, 1910].
<sup>5</sup> [Act XIV of 1911 . . .]	The Court Fees (Amendment) Act, 1911].

II. The powers of a Local Government under the aforesaid Acts shall be exercised by the <sup>2</sup>[Chief Commissioner of Assam.]

[ *Gazette of India*, 1909, Pt. I, p. 203.]

<sup>1</sup> Printed *infra*, p. 13.

<sup>2</sup> Substituted by notification No. 751-I.B., dated the 27th March 1912. *Gazette of India*, 1912, Pt. I, p. 391.

<sup>3</sup> Printed *supra*, p. 7.

<sup>4</sup> Added by notification No. 575-I.B., dated the 14th March 1911. *Gazette of India*, 1911, Pt. I, p. 204.

<sup>5</sup> Added by notification No. 359-I.B., dated the 6th February 1912. *Gazette of India*, 1912, Pt. I, p. 108.





## BRITISH RESERVE, MANIPUR.

The British Reserve is defined by the following notification :—

*No. 533-I.B., dated the 12th March 1909. \* \* 1*

III. The British Reserve, Manipur, shall consist of—

(a) All lands comprised within the following boundaries :—

Commencing from Cantonment boundary pillar No. 1, which is on the left bank of the Nag Nullah near the north-west corner of the Pat the line runs due west to the Nag Nullah, then down the Nullah to its junction with the Nambol river, then down the Nambol river to reserve pillar No. 1, which is placed on the left bank close to where a large drain, or cut, falls into the river; then up this drain, or cut, which for the whole distance skirts the compounds of the Manipur State Jail, State Military Police Hospital and State Civil Police lines to the main road to Thobal, where pillar No. 2 is placed; then along this road in the direction of Thobal to pillar No. 3 on the right bank of the Imphal river at the point where the road first meets it; then up the river to the bridge which crosses the road forming the southerly boundary of the Pat. Then along the Cantonment boundary to Cantonment boundary pillar No. 6, then eastward along the northern side of the road for 700 feet to pillar No. 5. Then northwards to pillar No. 6, then by pillars 7, 8, 9 and 10, including the Muhammadan burial ground to the Imphal river, thence down the river to Cantonment boundary pillar No. 7 situated on the left bank and close to the Minithong bridge near the north-east corner of the Pat.

From pillar No. 7 the boundary crosses the river Imphal a second time, and passes alongside of the Minithong bridge running almost due west to pillar No. 8.

The line then runs along the east side of the river *bund*, thus including it (the *bund*) in cantonments, and more or less follows the right bank of the river up to pillar No. 17.

The boundary here takes an easterly direction, and still closely follows the right bank of the Imphal river.

Then again the line runs in a northerly direction to pillar No. 20.

The boundary here runs west, following an old existing *bund* on its south side and about 50 feet from it.

Then the line follows the *bund*, running west and crosses the Nag Nullah to pillar No. 22, which is situated about 140 feet from the right bank of the Nullah.

Here the line continues its westerly direction and crosses the Nichuguard-Manipur cart-road to pillar No. 23, which is about 300 feet east of the 750 yards firing platform.

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<sup>1</sup> Printed *infra*, p. 14.

The boundary now runs nearly due north, and also forms the east lateral limits of the rifle range running about 300 feet east of the central line of existing range road to pillar No. 24, which is situated on the Chingmairong hill.

The boundary now forms the north limit of the rifle range, the line running about 380 feet behind the targets to pillar No. 25.

Here the boundary runs due south, forming the western limit of the rifle range, to pillar No. 26, situated nearly due west of the 800 yards firing platform and 300 feet from its centre.

The boundary then crosses the Thamaibund road to pillar No. 27, which is situated 80 feet east of the centre of the road.

The Cantonment boundary line runs due south to pillar No. 28, which is situated about 75 feet from the centre of the road.

The line still continues its southerly course to pillar No. 29 which is situated about 75 feet from the centre of the Thamaibund road and north-west of pillar No. 1.

From pillar No. 29 the line running in a south-easterly direction meets pillar No. 1 and

(b) all lands within the Ranjupkhul estate included within the ring fence.

[*Gazette of India*, 1909, Pt. I, p. 201.]

The British enactments in force in the British Reserve are identical with those noted *supra* as being in force in the Manipur State under the head of—

I.—Statutes.

II.—Acts of the Governor-General in Council.

III.—Orders under Statutes.

IV.—Orders under Acts of the Governor-General in Council, and

V.—Orders relating to Courts.

The remaining enactments in force consist of—

VI.—Acts locally applied.

Civil laws.

*No. 535-I.B., dated the 12th March 1909.*—Printed *supra*, page 11.

Criminal laws.

*No. 533-I.B., dated the 12th March 1909.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notifications of the Government of India in the Foreign Department, Nos. 1415-E.B., 1416-E.B. and 1417-E.B., dated the 11th July 1902, the Governor-General in Council is pleased to apply, so far as they are

applicable, the provisions of the following Acts to the British Reserve, Manipur, as hereinafter defined:—

Number and Year.	Short Title.
1. Act XLV of 1860 . . . . .	The Indian Penal Code.
2. Act VI of 1864 . . . . .	The Whipping Act, 1864.
3. Act I of 1871 . . . . .	The Cattle Trespass Act, 1871.
4. Act XI of 1878 . . . . .	The Indian Arms Act, 1878.
5. Act XI of 1890 . . . . .	The Prevention of Cruelty to Animals Act, 1890.
6. Act V of 1898 . . . . .	The Code of Criminal Procedure, 1898.
<sup>1</sup> [7. Act III of 1910 . . . . .]	The Indian Penal Code Amendment Act, 1910.]

[*Gazette of India*, 1909, Part I, page 201.]

<sup>1</sup> Added by notification No. 1819-I.B., dated the 15th September 1910. *Gazette of India*, 1910, Part I, page 959.



## CHAPTER II.

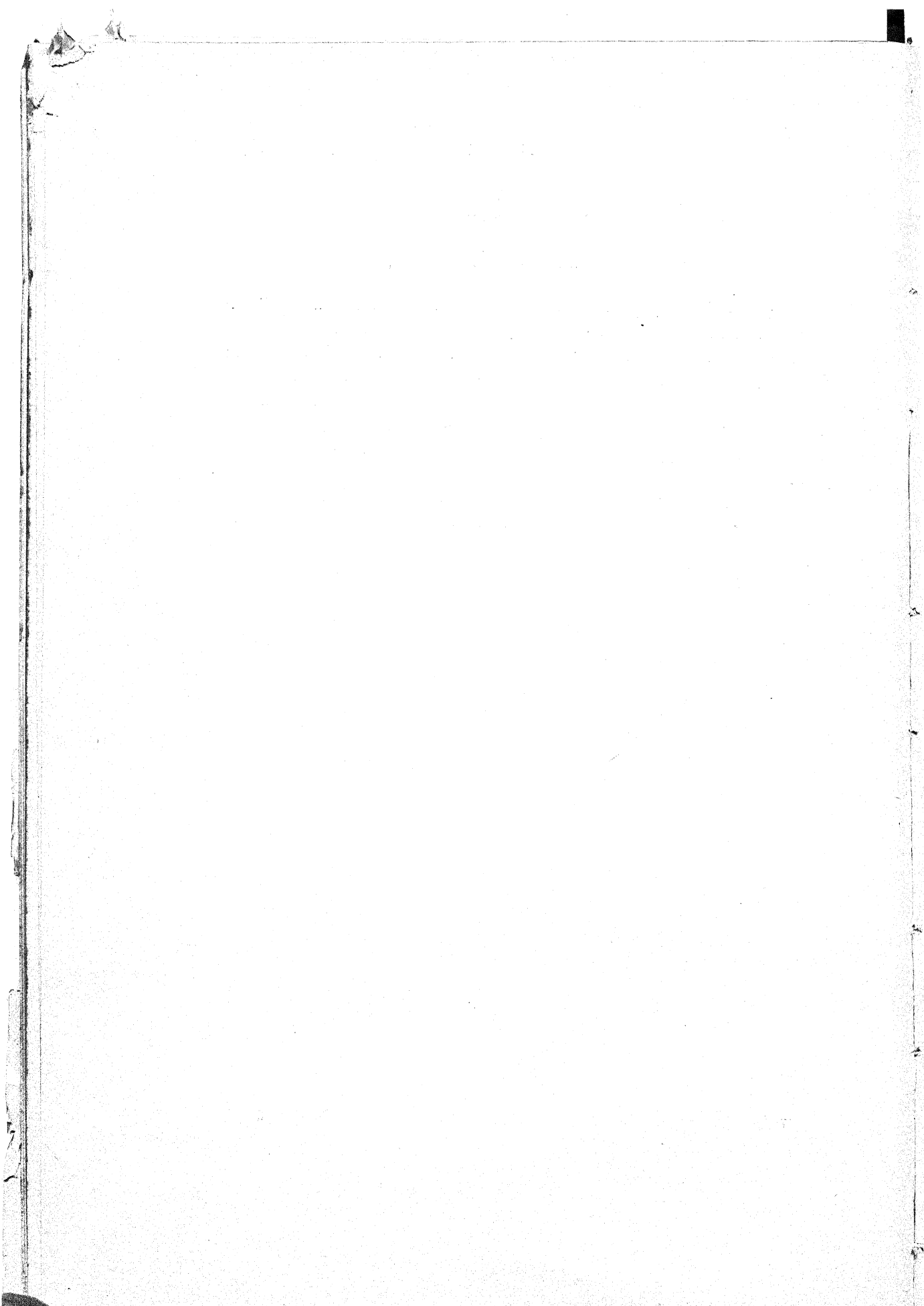
**BENGAL.**

The States in the political control of the Government of Bengal are Cooch Behar and Hill Tipperah. Both Chiefs possess full jurisdiction.

The relations of Cooch Behar with the Government are conducted direct; but an officer lent from the British service is Superintendent of the State and Vice-President of the Council, while for purposes of extradition the Commissioner of the Rajshahi Division exercises the powers of Political Agent. In Hill Tipperah there is a regular Political Agent.

There are no Administered Areas in either States.

The railway lands in Cooch Behar are included in the Eastern Division of Railways enumerated in Volume V. Jurisdiction has been ceded in some.



## NATIVE STATES IN BENGAL.

The following British enactments are in force in the Native States in Bengal :—

**I.—Statutes.**—*See* Appendix I.

**II.—Acts of the Governor-General in Council.**—*See* Appendix II.

**III.—Orders under Statutes.**

*No. 853 I.B., dated the 16th April 1913.*—Printed in Appendix IV. 28 Vict., c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III. 53 and 54 Vict., c. 37.

**IV.—Orders under Acts of the Governor-General in Council.**

*No. 2033-I.B., dated the 26th September 1912.*—Printed in Appendix V. Indian Christian Marriage Act, 1872. Delegation to the Governor of Bengal in Council of full powers under the Act.

*No. 1586-E., dated the 29th August 1892.*—Printed in Appendix V. Fees and Rules. European Vagrancy Act, 1874.

*No. 4829, dated the 20th October 1870.*—In the exercise of the power vested in him by the last clause of section 2 of the European Vagrancy Act, 1869, His Excellency the Governor General in Council is pleased to extend sections 4 to 16 (both inclusive), 19, 20, 24 and 29 of the said Act to the Madras Presidency and the Lower Provinces of the Bengal Presidency, as well as to the dominions of Princes and States in alliance with Her Majesty situated within the limits of the Madras Presidency and the Lower Provinces, with effect from the date of the republication of this notification in the respective local *Gazettes* of the Governments of Madras and Bengal. [ *Gazette of India*, 1870, Pt. I, p. 723. ] Provisions brought into force in States in Bengal.

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

Indian Arms Act, 1878.

Exemption of certain persons in Native States from certain prohibitions and directions contained in the Act. Rules regarding the export of arms and ammunition from, and their import into, British India.

Births, Deaths and Marriages Registration Act, 1886.

Rules and Fees.

*No. 848, dated the 4th February 1913.*—Not re-printed. [ *Calcutta Gazette*, 1913, Pt. I, p. 209. ]

Prisoners Act, 1900.

Reception of  
prisoners from Cooch  
Behar in Bengal  
Jails outside  
Calcutta.

*No. 1648-P., dated the 1st August 1906.*—The Lieutenant-Governor is pleased under sub-clause (ii) of clause (b) of sub-section (1) of section 15 of the Prisoners Act, 1900 (III of 1900), to authorize officers in charge of prisons in Bengal outside the Presidency Town of Calcutta to give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal in the territories of His Highness the Maharaja of Cooch Behar of which the Superintendent of the State is a member.

[*Calcutta Gazette*, 1906, Pt. I, p. 1638.]

Indian Foreign  
Marriage Act, 1903.  
Fecs.

*No. 341, dated the 11th August 1904.*—Printed *supra*, page 4.

Indian Extradition  
Act, 1903.

Commissioner.  
Rajshahi Division,  
invested with  
powers of a Political  
Agent under the  
Act for Cooch  
Behar.

*No. 646-P.D., dated the 2nd May 1912.*—Printed in Appendix IX.

Political Agents  
authorised to grant  
extradition for an  
act against the law  
of a State which  
would constitute an  
offence under the  
Criminal Tribes Act,  
1871, in British  
India.

*No. 3361-I.A., dated the 23rd December 1898.*—Printed in Appendix IX.

Rules under the Act,  
except in areas in  
Native States under  
British jurisdiction.

*No. 1862-I.A., dated the 13th May 1904.*—Printed in Appendix IX.

Indian Universities  
Act, 1904.

Inclusion of States  
in Bengal in the  
territorial limits of  
the Calcutta  
University.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

Code of Civil  
Procedure, 1908.

Authority to sanction  
institution of suits,  
and execution of  
decrees, against  
Chiefs of Cooch  
Behar and Hill  
Tipperah.

*No. 749-I.B., dated the 27th March 1912.*—Printed in Appendix XI.



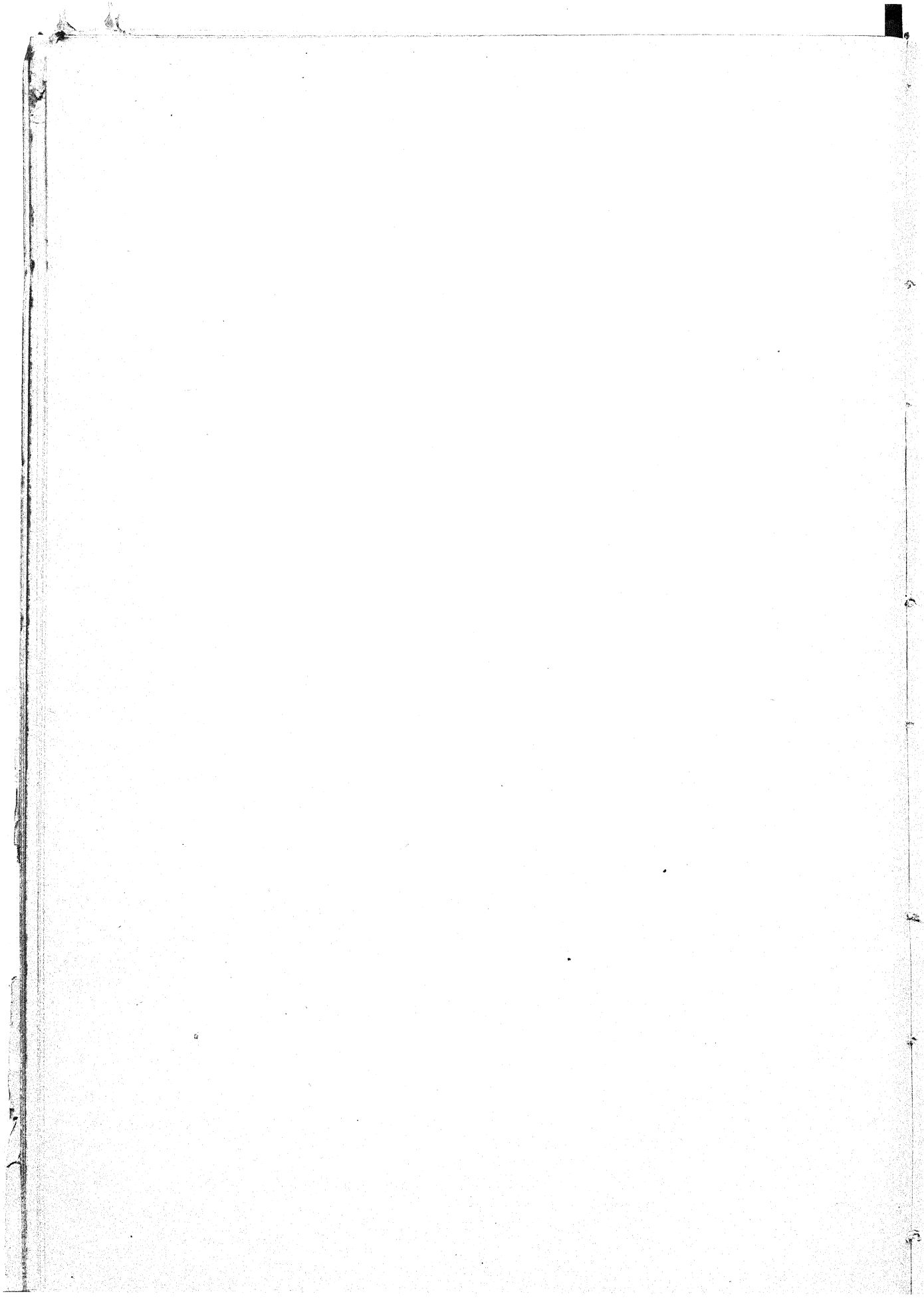
*No. 855-I.B., dated the 16th April 1913.*—Printed in Appendix VI.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.

Administrator-  
General's Act,  
1874.

States in Bengal  
included in  
Presidency of  
Bengal for purposes  
of the Act.

Exercise of the  
powers and duties of  
a District Judge  
under the Act.



## V.—Orders relating to Courts.

*No. 1431-I., dated the 27th April 1893.*—Printed in Appendix XIII.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.

*No. 1863-I.A., dated the 13th May 1904.*—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV.

Jurisdiction of the High Court at Calcutta over European British subjects.

*No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction.

*No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

*No. 1615-I.B., dated the 23rd April 1908.*—Printed in Appendix IV.

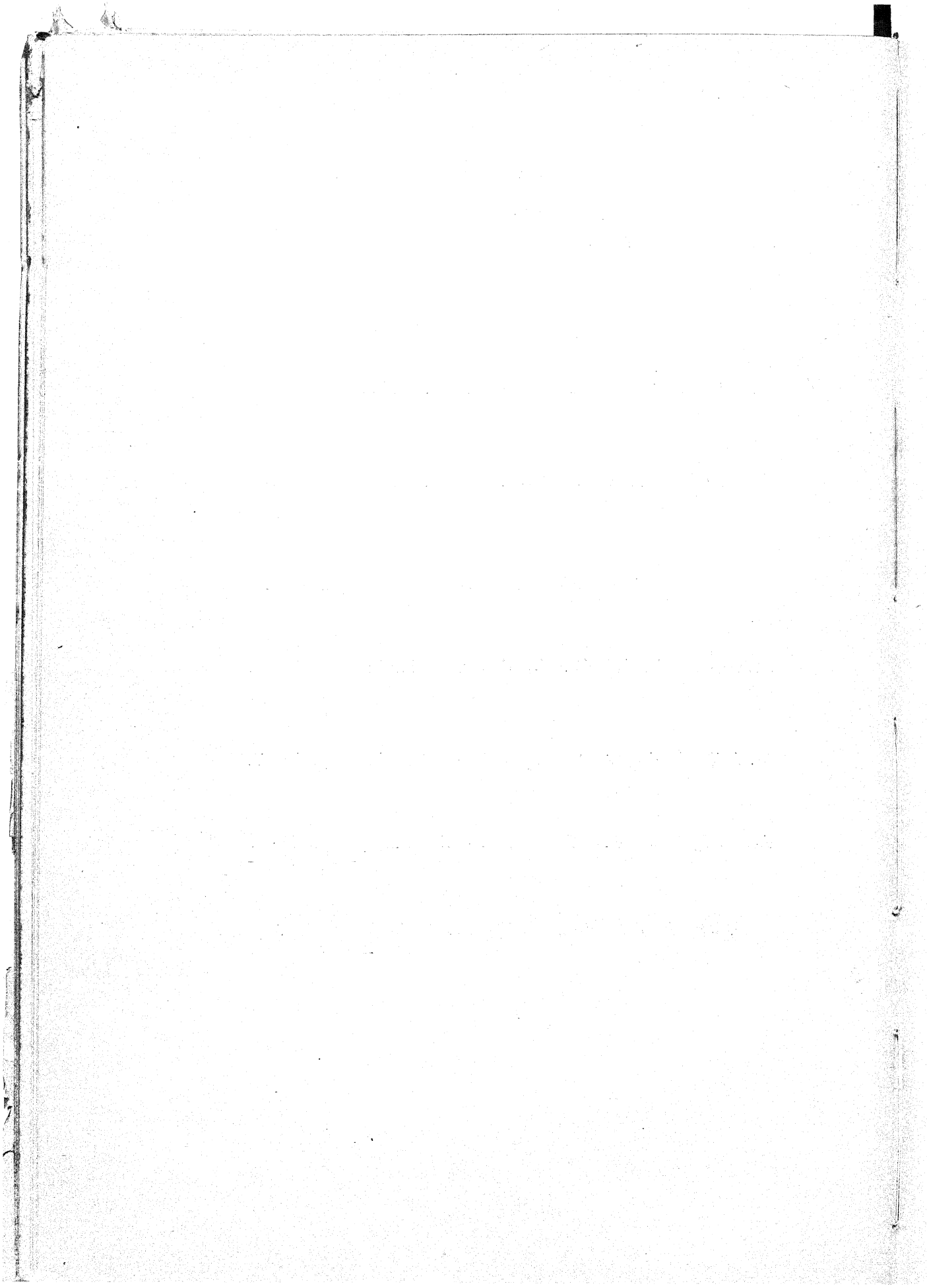
Appointment of Justice of the Peace, Cooch Behar.

*No. 53-J., dated the 7th March 1879.*—Printed in Appendix XII B.

Execution of decrees of Civil and Revenue Courts of Cooch Behar by Courts in British India.

*No. 2053-I.B., dated the 22nd September 1911.*—Printed in Appendix XII C.

Execution by Civil Courts of Cooch Behar of decrees of Civil Courts in British India.



## CHAPTER III.

## BIHAR AND ORISSA.

The States in the political control of the Government of Bihar and Orissa are:—

Agency.	States.	
Orissa Feudatory States.	Athgarh.	Khandpara.
	Athmallik.	Mayurbhanj.
	Bamra. <sup>1</sup>	Narsingpur.
	Baramba.	Nayagarh.
	Boad.	Nilgiri.
	Bonai. <sup>2</sup>	Pal Lahara.
	Daspalla.	Patna. <sup>1</sup>
	Dhenkanal.	Ranpur.
	Gangpur. <sup>2</sup>	Rehrakhol. <sup>1</sup>
	Hindol.	Sonpur. <sup>1</sup>
	Karond <sup>1</sup> (Kalahandi).	Talcher.
	Keonjhar.	Tigiria.
Chota Nagpur.	Kharsawan.	Seraikela.

The Chiefs of Bamra, Kalahandi, Patna, Rehrakhol and Sonpur have by the terms of their *sanads*<sup>3</sup> full jurisdiction "in all matters whether criminal, civil or revenue" subject to the proviso that sentences of death require the confirmation of the Commissioner of Orissa or such other officer as shall be nominated by the British Government; but the Political authorities possess<sup>4</sup> the usual criminal jurisdiction in respect of British subjects, Europeans and Americans, and Government servants.

The *sanads*<sup>5</sup> of the other Chiefs, except Bonai, Gangpur, Kharsawan and Seraikela, reserve for the Courts of the Political authorities the jurisdiction in heinous offences and in all cases in which Europeans are concerned. Further, the sentences which Chiefs, unless specially empowered, may pass in cases within their jurisdiction are restricted, respectively, to two years' imprisonment, one thousand rupees fine, and thirty stripes, and all orders passed by them are subject to revision by the Commissioner of Orissa.

<sup>1</sup> Transferred from the Political control of the Chief Commissioner of the Central Provinces in 1905, the charge of authority in general respects being provided for by notification No. 3447-I.B., dated the 17th August 1906. Printed *infra*, p. 32.

<sup>2</sup> Transferred from the Chota Nagpur Agency in 1905.

<sup>3</sup> Treaties, 4th Ed., Vol. I, pages 360—365.

<sup>4</sup> This is part of the prerogative of the Paramount Power and is universal in Native States; but provision has not been made for its exercise except as regards European British subjects.

<sup>5</sup> Treaties, 4th Ed., Vol. I, pages 319—336.

In Bonai, Gangpur, Kharsawan and Seraikela the residuary jurisdiction exercised by the Political authorities is still wider, as the sentences which the Chiefs may pass are limited<sup>1</sup> to imprisonment up to two years and fines up to Rs. 50, or up to five years and Rs. 200, respectively, subject to confirmation by the Commissioner of Orissa, who has powers of revision in all cases.

There are no Administered Areas in these States. The various railways are included in the Eastern Division of railways in the classification in Volume V.

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<sup>1</sup> The Chief of Gangpur has been invested (in 1909) with the powers of a Sessions Judge, subject to confirmation of sentences of death by the Commissioner of Orissa.

## NATIVE STATES IN ORISSA AND CHOTA NAGPUR.

The following British enactments are in force in the Native States in Orissa and Chota Nagpur :—

**I.—Statutes.**—*See* Appendix I.

**II.—Acts of the Governor-General in Council.**—*See* Appendix II.

**III.—Orders under Statutes.**

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV. 28 Vict., c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* 53 and 54 Vict., c. 37.  
Appendix III.

**IV.—Orders under Acts of the Governor-General in Council.**

*No. 930-I., dated the 28th February 1889.*

*No. 4368-I.B., dated the 20th October 1905.*

*No. 685-I., dated the 10th March 1913.*

}—Printed in Appendix V.

Indian Christian Marriage Act, 1872.  
Appointment of Marriage Registrars. Marriage certificates to be sent to the Registrar General of Births, Deaths and Marriages for Bihar and Orissa.

*No. 2033-I.B., dated the 26th September 1912.*—Printed in Appendix V. Delegation to the Lieutenant-Governor of full powers under the Act.

*No. 1586-E., dated the 29th August 1892.*—Printed in Appendix V.

Fees and Rules.

*No. 4829, dated the 20th October 1870.*—Printed *supra*, page 19.

European Vagrancy Act, 1874.

Provisions brought into force.

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.

Indian Arms Act, 1878.

(The Indian Arms Rules, 1909.)

Exemption of certain persons in Native States from certain prohibitions and directions contained in the Act. Rules regarding the export of arms and ammunition from, and their import into, British India.

Indian Income-tax Act, 1886.

*Nos. 1741 and 1742-P., dated the 9th October 1906.*—Printed in Appendix VII.

Political officers invested with certain powers of a Collector under the Act.

**Births, Deaths and  
Marriages Registration  
Act, 1886.**

**Appointment of—**

(a) Registrar of  
Births and Deaths.

(b) Registrar  
General for Bihar  
and Orissa to be  
Registrar General  
for certain States  
in Orissa.

**Rules and Fees.**

*No. 4370-I.B., dated the 20th October 1905.*—Printed in Appendix VIII.

**Indian Foreign  
Marriage Act, 1903.**

**Fees.**

*No. 1173, dated the 19th July 1888.*—Printed in Appendix VIII.

*No. 341, dated the 11th August 1904.*—Printed *supra*, page 4.

**Indian Extradition  
Act, 1903.**

Commissioner,  
Chota Nagpur,  
invested with  
powers of a Political  
Agent under the  
Act for Kharsawan  
and Seraikela.  
Political Agent,  
Orissa Feudatory  
States, similarly  
invested for States  
transferred to his  
charge in 1905.

*No. 3441-I.B., dated the 17th August 1906.*—Printed in Appendix IX.

Political Agents  
authorised to grant  
extradition for an  
act against the law  
of a State which  
would constitute an  
offence under the  
Criminal Tribes Act,  
1871, in British  
India.

*No. 3361-I.A., dated the 23rd December 1898.*—Printed in Appendix IX.

<sup>1</sup> Rules under the  
Act, except in areas  
in Native States  
under British  
jurisdiction.

*No. 1862-I.A., dated the 13th May 1904.*—Printed in Appendix IX.

**Indian Universities  
Act, 1904.**

Inclusion of Orissa  
and Chota Nagpur  
in the territorial  
limits of the  
Calcutta University.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

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<sup>1</sup> There are interstatal rules to regulate extradition between Bamra, Bonai, Gangpur, Kalahandi, Patna, Rehrakhol and Sonpur.



*No. 749-I.B., dated the 27th March 1912.*—Printed in Appendix XI.

Code of Civil  
Procedure, 1908.

Authority to  
sanction institution  
of suits, and  
execution of decrees,  
against Chiefs in  
Orissa and Chota  
Nagpur.

*No. 855-I.B., dated the 16th April 1913.*—Printed in Appendix VI.

Administrator-  
General's Act, 1874.

Assignment of  
States to territorial  
division for purposes  
of the Act.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.

Exercise of the  
powers and duties of  
a District Judge  
under the Act.



## VI.—Orders relating to Courts.

*No. 1431-I., dated the 27th April 1893.*  
*No. 1739-P., dated the 10th July 1894.*  
*No. 1743-P., dated the 9th October 1906.* } Printed in Appendix XIII. Execution of capital sentences in British India.

*No. 1863-I.A., dated the 13th May 1904.*—Printed in Appendix IV. Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV. Jurisdiction of the High Court over European British subjects.

*No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV. Justices of the Peace to commit for trial to the High Court having jurisdiction.

*No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV. Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

*No. 4366-I.B., dated the 20th October 1905.*  
*No. 5119-I.B., dated the 28th December 1906.*  
*No. 2920-I.B., dated the 30th July 1907.* } Printed in Appendix IV. Appointments of Justices of the Peace.

*No. 1375-I.B., dated the 21st March 1900.*—In continuation of the Criminal law and procedure of British India to be observed by Political officers in the exercise of their jurisdiction.

notification of the Government of India in the Foreign Department,  
<sup>1</sup> No. 3431-I., dated the 5th September, 1892, and in exercise of the jurisdiction and of the powers referred to therein, the Governor General in Council is pleased to declare that British officers in the exercise of any jurisdiction delegated to them within the Tributary Mahals of Orissa, or in advising the Chiefs, are to be guided by the law of British India relating to offences and criminal procedure in so far as it is applicable and (in cases where Chiefs and their subjects are concerned) so far as it is not inconsistent with any local law or custom or any order of the Lieutenant-Governor of Bengal in force for the time being.

[*Gazette of India*, 1900, Pt. I, p. 187.]

<sup>1</sup> Printed *infra*, p. 34.

Criminal jurisdiction  
in Bamra, Kalahandi,  
Patna, Rehrakhol  
and Sonpur.

No. 3447-I.B., dated the 17th August 1906.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to direct that the Political Agent, Orissa Feudatory States, the Commissioner of Orissa and the<sup>1</sup> [Government of Bihar and Orissa] shall exercise the powers<sup>2</sup> hitherto enjoyed in regard to the Feudatory States of Patna, Sonpur, Kalahandi, Rehrakhol and Bamra by the Political Agent, Chhattisgarh Feudatories, the Commissioner of Chhattisgarh and the Chief Commissioner of the Central Provinces, respectively, with respect to any matters not otherwise provided for in separate notifications. These orders apply to all proceedings except proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1906, Pt. I, p. 588.]

Powers<sup>4</sup> of District  
Magistrate and  
Sessions Judge in  
Bonai and Gang-  
pur.

No. 3446-I.B., dated the 17th August 1906.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to appoint the Political Agent, Orissa Feudatory States, to be *ex-officio* an Assistant Superintendent of the Tributary Mahals, Orissa, and he shall exercise the powers conferred on such Superintendents by the notification of the Government of India in the Foreign Department, <sup>3</sup>No. 3431-I., dated the 5th September 1892, in the Tributary States of Gangpur and Bonai.

\* \* \* \* \*

[*Gazette of India*, 1906, Pt. I, p. 588.]

Ditto.

No. 972-I.B., dated the 15th March 1907.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to appoint the Deputy Commissioner of Sambalpur to be *ex-officio* an Assistant Superintendent of the Tributary Mahals of Orissa and to declare that he shall exercise the powers conferred on such Superintendents by the notification of the Government of India in the Foreign Department, <sup>3</sup>No. 3431-I., dated the 5th September 1892, in the Tributary Mahals of Gangpur and Bonai.

[*Gazette of India*, 1907, Pt. I, p. 223.]

<sup>1</sup> Substituted by notification No. 751-I.B., dated the 27th March 1912. *Gazette of India*, 1912, Pt. I, p. 391.

<sup>2</sup> Cf. footnote 4 on p. 25 *supra* and the paragraph to which it is appended.

<sup>3</sup> Printed *infra*, p. 34.

<sup>4</sup> For the powers of the Commissioner of Orissa as Court of Session and High Court see notification No. 3431-I., dated the 5th September 1892, *infra*, p. 34.

No. 1526-P., dated the 14th August 1906.—\* \* The Deputy Commissioner of Angul who has been appointed by the Government of India, Foreign Department, notification <sup>2</sup>No. 546-I., dated the 13th February 1894, to be *ex-officio* an Assistant Superintendent of the Tributary Mahals, Orissa, is authorised to exercise the powers conferred on *ex-officio* Assistant Superintendents by clauses (1) and (4) of Foreign Department notification <sup>3</sup>No. 3431-I., dated the 5th September 1892, in respect of cases arising in the following States:—

- (1) Athgarh, (2) Athmallik, (3) Boad, (4) Baramba, (5) Hindol, (6) Narsingpur, (7) Pal Lahara, (8) Talchar, and (9) Tigiria.

[*Calcutta Gazette*, 1906, Pt. I, p. 1592.]

No. 1527, dated the 14th August 1906.—\* \* The Deputy Commissioner of Angul, who has been appointed by the Government of India, Foreign Department, notification <sup>2</sup>No. 546-I., dated the 13th February 1894, to be *ex-officio* an Assistant Superintendent of the Tributary Mahals, Orissa, is authorised to exercise the powers of a Sessions Judge conferred on *ex-officio* Assistant Superintendents by clauses (1) and (4) of Foreign Department notification <sup>3</sup>No. 3431-I., dated the 5th September 1892, in respect of cases arising in the Dhenkanal and Daspalla States.

[*Calcutta Gazette*, 1906, Pt. I, p. 1592.]

No. 3828-I., dated the 27th October 1886.—The Governor General in Council is pleased to confirm, with effect from the date thereof, the orders of His Honour the Lieutenant-Governor, dated the 5th July 1886, vesting the <sup>4</sup>Assistant Superintendent of the Tributary Mahals of Orissa at Balasore with the powers of a Sessions Judge for the trial of cases committed from the States of Nilgiri and Mayurbhanj.

[*Letter of the Government of India.*]

<sup>1</sup> For powers exercised by other officers in these States, see notification No. 3431-I., dated the 5th September 1892, on next page.

<sup>2</sup> "The Governor General in Council is pleased to appoint the District Officer of Angul to be *ex-officio* an Assistant Superintendent of the Tributary Mahals of Orissa." *Gazette of India*, 1894, Pt. I, p. 111.

<sup>3</sup> Printed on next page.

<sup>4</sup> By the orders of the Bengal Government, Nos. 1980—1983, dated the 18th September 1866, the (District) Magistrates of Balasore, Cuttack, Midnapur, and Puri were appointed *ex-officio* Assistants to the Superintendent and by the further orders No. 1318-21, dated the 12th December 1870, they were empowered, in this capacity, "to take up for trial all offences committed within the Tributary Mahals, not punishable with death, and to deliver judgment and pass sentence of simple or rigorous imprisonment for a period not exceeding seven years," their proceedings being "subject to the approval and sanction of the Superintendent of the Tributary Mahals, to whom they should be forwarded."

Powers of Sessions  
Judge in Ranpur.<sup>1</sup>

*No. 2853-I., dated 28th June 1887.*—The Governor-General in Council is pleased to vest the Magistrate of Puri, in his capacity of *ex-officio*<sup>2</sup> Assistant to the Superintendent of the Tributary Mahals, with the powers of a Sessions Judge for the trial of cases in the State of Ranpur.

[*Letter of the Government of India.*]

Powers of Sessions  
Judge in Keonjhar.<sup>1</sup>

*No. 3539-I., dated the 26th August 1891.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879<sup>3</sup>, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to invest the Magistrate of Balasore for the time being, in his capacity of *ex-officio*<sup>2</sup> Assistant to the Superintendent of the Tributary Mahals of Orissa, with the powers of a Sessions Judge for the trial of cases committed from the State of Keonjhar.

[*Gazette of India*, 1891, Pt. I, p. 510.]

Criminal jurisdiction  
generally in Orissa  
States except Bamra,  
Kalahandi, Patna  
Rehrakhol and  
Sonpur.

*No. 3431-I., dated the 5th September 1892.*—Whereas the Governor General in Council has in certain cases criminal jurisdiction within the Tributary Mahals of Orissa<sup>4</sup> [including the Tributary States of Gangpur and Bonai]: In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879<sup>3</sup>, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders with respect to such cases:—

- (1) Every Assistant Superintendent and *ex-officio* Assistant Superintendent of the Tributary Mahals of Orissa for the time being may exercise the power of a District Magistrate and of a Court of Session as described in the Code of Criminal Procedure, 1882.<sup>5</sup>
- (2) The Superintendent of the said Mahals for the time being shall exercise the powers of a Court of Session and High Court, as described in the said Code, in respect of all offences over which magisterial jurisdiction is exercised by any Assistant Superintendent or *ex-officio* Assistant Superintendent of the Mahals: Provided that no Assistant Superintendent or *ex-officio* Assistant Superintendent shall commit an accused person for trial to the Superintendent acting as a Court of Session.

<sup>1</sup> See footnote 1 on previous page.

<sup>2</sup> See footnote 4 on previous page.

<sup>3</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>4</sup> Inserted by notification No. 971-I.B., dated the 15th March 1907. *Gazette of India*, 1907, Pt. I, p. 223.

<sup>5</sup> See now the Code of Civil Procedure, 1908 (V of 1908). Printed General Acts, Vol. VI, Ed. 1909, p. 133.

- (3) The Superintendent for the time being shall exercise the powers of a High Court, as described in the said Code, in respect of all offences over which the jurisdiction of a Court of Session is exercised by an Assistant Superintendent or *ex-officio* Assistant Superintendent.
- (4) In exercise of the jurisdiction of a Court of Session conferred on him by these orders, an Assistant Superintendent or *ex-officio* Assistant Superintendent may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1882<sup>1</sup>, for the trial of warrant-cases by Magistrates.
- (5) A trial before an Assistant Superintendent or *ex-officio* Assistant Superintendent in the exercise of the jurisdiction of a Court of Session conferred on him by these orders may be without jury or the aid of assessors.
- (6) These orders apply to all proceedings, except—
  - (a) proceedings against European British subjects, or persons jointly charged with European British subjects; and
  - (b) proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1892, Pt. I, p. 370.]

No. 205-I.B., dated the 28th January 1910.—Whereas the Governor General in Council has, in certain cases, criminal jurisdiction within the Political States of Seraikela and Kharsawan in Chota Nagpur: In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No. 3444-I.B., dated the 17th August 1906, the Governor-General in Council is pleased to issue the following orders with respect to such cases:—

- (1) The Deputy Commissioner of Singhbhum shall, subject to the general or special orders of the Commissioner of Chota Nagpur, exercise, when employed in respect of such cases occurring within the limits of either of the said States, the powers of a District Magistrate, as defined in the Code of Criminal Procedure, 1898 (V of 1898).

<sup>1</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898). Printed General Acts, Vol. V, Ed. 1909, p. 14.

- (2) He shall also exercise the powers of a Sessions Judge, as defined in the said Code, in respect of such cases occurring within the limits of either of the said States.
- (3) The Commissioner of Chota Nagpur for the time being shall exercise the powers of a Sessions Judge, as described in the said Code, in respect of all offences over which magisterial jurisdiction is exercised by the Deputy Commissioner of Singhbhum.

Provided that the Deputy Commissioner shall not commit an accused person for trial to the Commissioner acting as a Sessions Judge.

The powers of the Commissioner in respect of his original sessions jurisdiction under this clause may, subject to such rules as the Local Government may prescribe, be exercised by the Judicial Commissioner.

- (4) The Commissioner of Chota Nagpur for the time being shall also exercise the powers of a High Court, as described in the said Code, in respect of all offences over which magisterial jurisdiction or the jurisdiction of a Court of Session is exercised by the Deputy Commissioner.
- (5) In exercise of the jurisdiction of a Court of Session conferred on him by these orders, the Deputy Commissioner may take cognizance of any offence as a Court of Original Criminal Jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by a Magistrate.
- (6) A trial before the Deputy Commissioner as Sessions Judge in the exercise of the jurisdiction conferred by these orders may be without jury or the aid of assessors \* \* \* \*<sup>1</sup>
- (7) The aforesaid British officers, in the exercise of any jurisdiction delegated to them within the Political States of Chota Nagpur, or in advising the Chiefs, are to be guided by the law of British India relating to offences and criminal procedure in so far as it is applicable and (in cases where Chiefs and their subjects are concerned) so far as it is not inconsistent with any

<sup>1</sup> Omitted by notification No. 751-I.B., dated the 27th March 1912. *Gazette of India*, 1912, Pt. I, p. 391.



local law or custom or any order of the Lieutenant-Governor of <sup>1</sup>[Bihar and Orissa] in force for the time being.

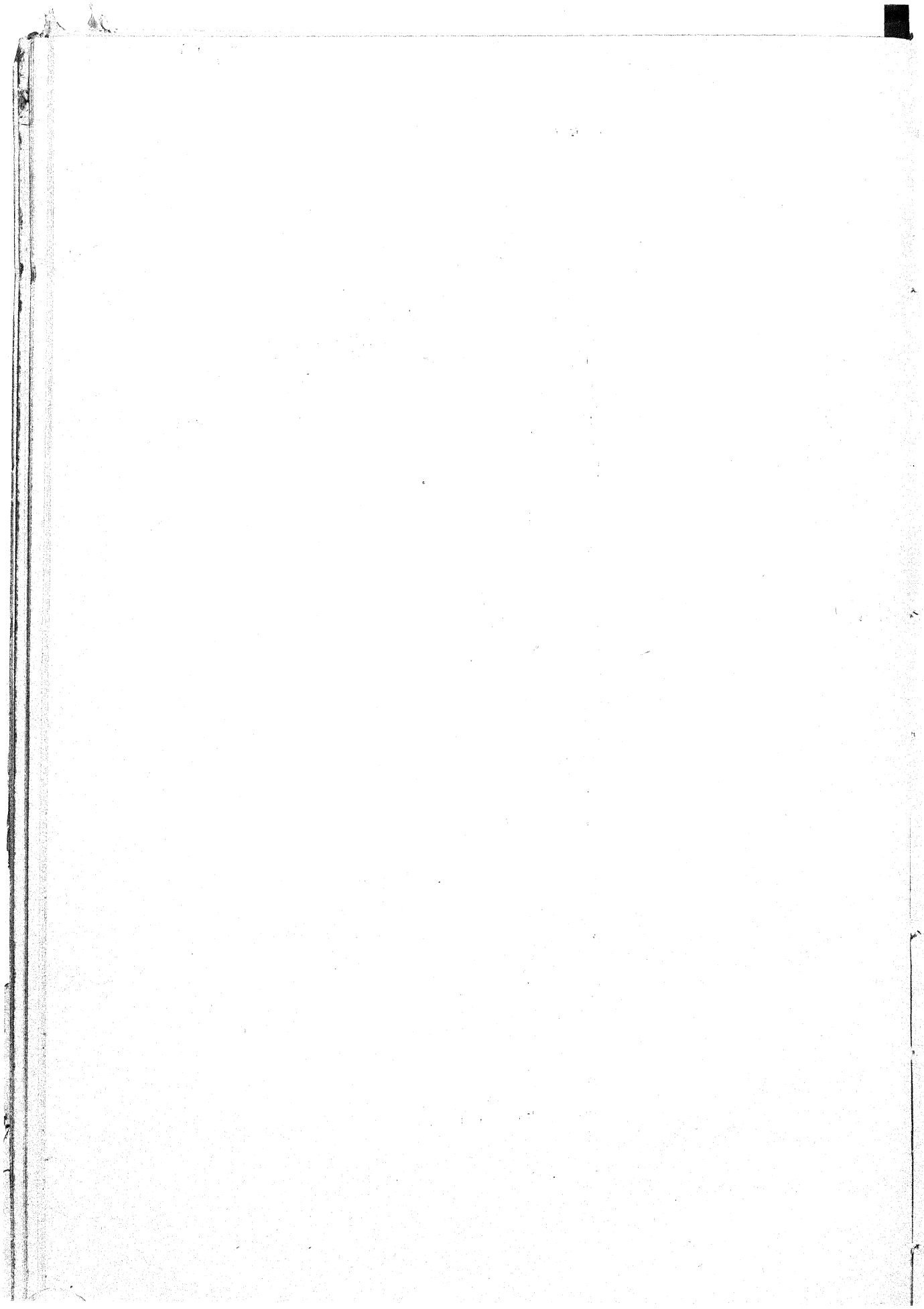
(8) These orders apply to all proceedings, except—

- (a) proceedings against European British subjects, or persons charged jointly with European British subjects ; and
- (b) proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1910, Pt. I, p. 131.]

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<sup>1</sup>Substituted by notification No. 751-I.B., dated the 27th March 1912. *Gazette of India*, 1912, Pt. I, p. 391.



# CHAPTER IV. NATIVE STATES IN BOMBAY.

The following are the jurisdictional States in the political control of the Bombay Government :—

Agency.		States.		
Cutch.	Cutch.			
<i>Gujarat Agencies, viz.,</i>				
Palanpur . . . .		<i>1st Class</i> Palanpur. Radhanpur.	<i>4th Class.</i> Tharad.	<i>5th Class.</i> Vav.
Mahi Kantha . . . .	<i>1st Class.</i> Idar. <i>2nd Class.</i> Pol. Danta. <i>3rd Class.</i> Malpur. Mansa. Mohanpur. <i>4th Class.</i> Varsoda. Pethapur. Ranasan. Punadra. Khadal.	<i>1st Class.</i> Ghodasar. Katosan. Ilol. Amliyara. <i>5th Class.</i> Valasna. Dabha. Wasna. Sudasna. Magodi. Wadagaon. Sathamba. Rupal. Dadhaliya.	<i>6th Class.</i> Ramas. Bolundra. Likhi. Hadol. Derol. Khedawada. Kadoli. Vaktapur. Prempur. Dedhrota. Tajpuri. Hapa. Satlasna. Bhalusna.	<i>7th Class.</i> Gabat. Timba. Umri. Mota Kotarua. Maguna. Tejpura. Virroda. Palaj. Deloli. Kasalpura. Mehmadpura. Rampura. Ijpura. Banipura.
Rewa Kantha . . . .	<i>1st Class.</i> Rajpipla.	<i>2nd Class.</i> Chota Udaipur. Bariya. Lunawada. Balasinor. Sunth.	<i>3rd Class.</i> Kadana. <i>4th Class.</i> Bhadarwa. Sanjeli.	<i>Minor States.</i> Umetha. Narukot. Mandwa. Vajiria. Gad Boriad. Agar. Shanor. Sihora. Nasvadi. Uchad. Chhaliar.

<sup>1</sup>Kathiawar, comprising the following subordinate Agencies :—

Gohelwar . . . .	<i>1st Class.</i> Bhavnagar. <i>2nd Class.</i> Palitana.	<i>3rd Class.</i> Jasdan. Vala. <i>4th Class.</i> Lathi.	<i>6th Class.</i> Bhadli. Itaria. Kotda Pitha. Vankia.	<i>7th Class.</i> Kariana.
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<sup>1</sup> Kathiawar is in the political charge of the Agent to the Governor in Kathiawar. The subordinate Agencies are each in the charge of a Political Agent.

Agency.	States.			
Kathiawar—contd.				
Halar . . .	. 1st Class. Gondal. Morvi. Navanagar. 2nd Class. Dhrol. Rajkot. Wankaner.	4th Class. Kotda Sangani. Maha. Virpur.	5th Class. Gadhka. Gavridad. Jalia Devani. Kotharia. Mengni. Pal.	6th Class. Bhadva. Rajpura. Shahpur. 7th Class. Khirasra. Lodhika. Vadali.
Jhalawar . . .	. 1st Class. Dhrangadhra. 2nd Class. Limbdī. Wadhwan.	3rd Class. Chuda. Lakhtar. Sayla.	4th Class. Bajana. Muli. Patdi. 5th Class. Vanod.	6th Class. Anandpur. Bhoika. Chotila. Dasada. Rai Sankli. Rajpur. Sanosra. Vadod.
Sorath . . .	. 1st Class. Junagarh. Porbandar. 1 Jafrabad.	3rd Class. Bantva Manavadar 2 Jetpur (Deoli Vasavad. and Vadia.)	5th Class. Bantva (Gidad). Dedan.	6th Class. Bagasra. Kuba. Vinchhavād.
Kolhapur and Southern Maratha Country.	Kolhapur.	Jamkhandi. Kurandvad (Senior). Kurandvad (Junior). Miraj (Senior).	Miraj (Junior). Mudhol. Ramdurg. Sangli.	
Savantvadi . . .	Savantvadi.			
Subsidiary Agencies, viz.,				
Bijapur.	Jath (including Daphlapur).			
Dharwar.	Savanur.			
Kaira.	Cambay.			
Kolaba.	Janjira.			

<sup>1</sup> Part of the territories of the Nawab of Janjira (Dharwar Agency *infra*).

<sup>2</sup> Other Share-holders of Jetpur belong to the 4th and lower classes.

<sup>3</sup> So styled here for convenience of classification, the "Agency" in each case being a British District the Collector of which is *ex-officio* Political Agent for the States named in the corresponding entry.

Agency.	States.		
<i>Subsidiary Agencies—contd.</i>			
Nasik.	Sargana.		
Poona.	Bhor.		
Satara.	Aundh.		
	Phaltan.		
Sholapur.	Akalkot.		
Sukkur.	Khairpur.		
Surat.	Bansda.		
<i>Dangs Estates, viz.,</i>			
Dharampur.	Amala.	Derbhavti.	Pimpladevi.
Sachin.	Avechar.	Garvi.	Pimpri.
	Bilbari.	Jhari Gharkhadi.	
			Shivbara.
	Chinchli Gaded.	Kirli.	Vadhyawan.
		Palasvihir.	Vasurna.
Thana.	Jawhar.		

In all these States the Political authorities concerned possess the jurisdiction always vested in the Paramount Power in criminal matters relating to British subjects, Europeans and Americans, and Government servants.<sup>1</sup> But they possess further residuary jurisdiction in the different States as shown in the following account:—<sup>2</sup>

In the Palanpur, Mahi Kantha and Kathiawar Agencies the class division of States, reproduced in the above lists, indicates the jurisdiction possessed by the Courts of the States, thus:—

Class.	PALANPUR AND KATHIAWAR AGENCIES.		MAHI KANTHA AGENCY.	
	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.
1st	Unlimited.	Unrestricted, except that the sanction of the Political Agent is required to the trial of British subjects for capital offences.	Unlimited	Unrestricted, except that the sanction of the Political Agent is required to the trial of British subjects for capital offences.

<sup>1</sup> In the Kaira and Khairpur Agencies provision has been made for the exercise of this jurisdiction only in the case of European British subjects.

<sup>2</sup> In the Malia state in Kathiawar jurisdiction over the Miana tribe also vests entirely in the political authorities—see Treaties, 4th Ed., Vol. VI, p. 109.

Class.	PALANPUR AND KATHIAWAR AGENCIES.		MAHI KANTHA AGENCY.	
	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.
2nd	Unlimited.	Unrestricted, except that the sanction of the Political Agent is required to the trial of persons, not subjects of the State, for capital offences.	Limited to suits of the value of Rs. 20,000.	Unrestricted, except that sentences of death are subject to confirmation by the Political Agent.
3rd	Limited to suits of the value of Rs. 20,000.	<sup>1</sup> Sentences restricted to seven years' rigorous imprisonment and Rs. 10,000 fine.	Limited to suits of the value of Rs. 5,000.	Sentences restricted to two years' rigorous imprisonment and Rs. 1,000 fine.
4th	Limited to suits of the value of Rs. 10,000.	<sup>1</sup> Sentences restricted to three years' rigorous imprisonment and Rs. 5,000 fine.	Limited to suits of the value of Rs. 2,500.	Sentences restricted to one year's rigorous imprisonment and Rs. 500 fine.
5th	Limited to suits of the value of Rs. 5,000.	<sup>1</sup> Sentences restricted to two years' rigorous imprisonment and Rs. 2,000 fine.	Limited to suits of the value of Rs. 1,000.	Sentences restricted to six months' rigorous imprisonment and Rs. 250 fine.
6th	Limited to suits of the value of Rs. 500.	<sup>2</sup> Sentences restricted to three months' rigorous imprisonment and Rs. 200 fine.	Limited to suits of the value of Rs. 500.	Sentences restricted to three months' rigorous imprisonment and Rs. 100 fine.
7th	Nil.	<sup>2</sup> Sentences restricted to fifteen days' rigorous imprisonment and Rs. 25 fine.	Limited to suits of the value of Rs. 250.	Sentences restricted to one month's rigorous imprisonment and Rs. 50 fine.

<sup>1</sup> Offences punishable under the following sections of the Indian Penal Code, must invariably be committed to the Chief Court of Criminal Justice of the Agency (*see* the Criminal Court Rules, 1884, *infra* p. 195:—

(a) *From States of the 3rd class.*—Cases of offences punishable under section 302, 303, 304, 307 and 396.

(b) *From States of the 4th and 5th classes.*—Cases of offences punishable under section 194, 195, 225, 302—304, 307, 312—316, 363—373, 376, 392, 395—402 and 412.

as also cases in which, though the offence is ordinarily within the power of the State Courts a sentence within their powers would be inadequate—(Circular 2 of 1874—*Kathiawar Directory*, Part II, p. 686).

<sup>2</sup> The cases triable by Courts of States of the 6th and 7th classes are restricted to those offences punishable under the following sections of the Indian Penal Code:—

(i) *States of the 6th class.*—Sections 277, 290, 323, 334, 341, 352, 358, 379, 380, 403 and 426.

(ii) *States of the 7th class.*—Sections 277, 290, 352, 358 and 379 (*Ibid*).

In the other Agencies—

the States of Cutch, Rajpipla, Kolhapur, Cambay and Khairpur are on the same footing as 1st class States in Kathiawar, that is to say, the only<sup>1</sup> restriction on the jurisdiction of the State Courts, is that the sanction of the Political Agent is required to the trial of British subjects for capital offences.

The position of—

Chota Udaipur, Bariya, Lunavada, Balasinor and Sunth (*Rewa Kantha*).

Jamkhandi, Kurandvad (Senior and Junior), Miraj (Senior and Junior), Mudhol, Ramdurg, and Sangli (*Southern Maratha Country*).

Savanur<sup>2</sup> (*Dharwar*),

Janjira (*Kolaba*),

Bansda, Dharampur and Sachin (*Surat*), and Jawhar (*Thana*),

is similar to that of 2nd class States in Kathiawar, the only<sup>2</sup> restriction on the jurisdiction of the State Courts being that the sanction of the Political Agent is necessary to the trial of persons other than subjects of the State for capital offences.

In the Satara Jagirs, viz.,

Akalkot (*Sholapur*).

Aundh and Phaltan (*Satara*).

Bhor (*Poona*), and

Jath, including Daphlapur (*Bijapur*)

capital and other serious offences are tried by the Political Agent, subject to confirmation by the Governor of Bombay in Council of sentences of death or transportation for life.<sup>3</sup>

The Savantvadi State was under British management from 1838 to 1900, when the present Chief succeeded. He has not yet been entrusted with ruling powers, and the administration of the State is carried on in his name by the Political Agent.

<sup>1</sup> In Kolhapur, Civil cases against the higher Sardars are dealt with by a joint Court consisting of the Maharaja and the Resident (Treaties, 4th Ed., Volume VII, page 252). The restoration to the Kolhapur Durbar of jurisdiction in its feudatory *jagirs*, viz., Bavda Ichalkaranji, Kagal (Senior and Junior), Kapshi, Torgal, Vishalgarh and the Himmat Bahadur and Sariashkar Bahadur *jagirs*, which was begun in 1903 (*ibid* p. 253) has been completed by allowing cases from those areas involving sentences of death or of imprisonment for more than seven years to be disposed of by the Kolhapur Courts instead of by the Resident.

<sup>2</sup> Sentences of death passed by the Courts of the Savanur State require to be confirmed by the Governor of Bombay in Council.

<sup>3</sup> See notification No. 3264-I. A., dated the 26th August 1897. Printed *infra*, p. 55.

In the remaining jurisdictional States the arrangements are as follows :—

Agency.	State.	Jurisdiction of Civil Courts of the State.	Jurisdiction of Criminal Courts of the State.	Agency Courts and their powers.
Rewa Kantha	Kadana <sup>1</sup> . .	Limited to suits of the value of Rs. 10,000.	Sentences restricted to three years' rigorous imprisonment and Rs. 5,000 fine.	High Court, Criminal— (a) The Governor of Bombay in Council for murder cases ; (b) The Commissioner, Northern Division, in all other respects.  Sessions Judge and District Magistrate. The Political Agent.  First class Magistrates. The Assistant and Deputy Assistant Political Agents.  Original Civil Courts. The Assistant and Deputy Assistant Political Agents.  Appellate Civil Court— The Political Agent.  High Court, Civil— The Governor of Bombay in Council.
	Bhadarva . .	Unlimited .	Powers of 1st class Magistrate.	
	Sanjeli . .	Ditto .	Powers of 2nd class Magistrate.	
	Umetha . .			
	Narukot <sup>2</sup> . .	.....	.....	
	Mandwa . .	Limited to suits of the value of Rs. 500.	Powers of 2nd class Magistrate.	
	Vajiria . .			
	Gad Boriad .	Limited to suits of the value of Rs. 250.	Powers of 3rd class Magistrate.	
	Agar . .			
	Shanor . .	Limited to suits of the value of Rs. 200.	Ditto .	
	Sihora . .	Limited to suits of the value of Rs. 100.	Ditto .	
	Naswadi . .	Nil	Ditto .	
Uchat . .				
Chhaliar . .	Limited to suits of the value of Rs. 100.	Nil		

<sup>1</sup> The Thakur of Kadana has been raised from the 4th to the 3rd class of Rewa Kantha Chiefs as a mark of personal distinction.

<sup>2</sup> Is at present under Agency management.



Agency.	State.	Jurisdiction of Civil Courts of the State.	Jurisdiction of Criminal Courts of the State.	Agency Courts and their powers.
Nasik	Sargana	<i>Nil</i>	Restricted to petty cases of assault, theft and adultery.	The Political Agent and his Assistant exercise the powers of a Sessions Judge and an Assistant Sessions Judge, respectively.
Surat	Dangs Estates	<i>Nil</i>	<i>Ditto</i>	The Dangs Dewan, who is an Agency official, has powers of a 2nd class Magistrate and jurisdiction in civil suits of the value of Rs. 50. The Divisional Forest Officer, Surat, as <i>ex-officio</i> Assistant Political Agent, has powers of a 1st class Magistrate and disposes of all civil suits not triable by the Dewan. The Political Agent exercises all higher criminal jurisdiction.

In the non-jurisdictional estates, of which there are 154 in the Palanpur Agency, 26 (excluding sub-villages) in the Mahi Kantha, 41 in the Rewa Kantha and 111 in Kathiawar, jurisdiction vests entirely in the British Government, represented by the Political authorities. The estates are grouped (often along with minor jurisdictional States) into circles (*Thanas*), in the charge of Thanadars as Sub-divisional Officers under the orders of the Political Agent and his Assistant or Deputy Assistant.

The Administered Areas are :—

Deesa Cantonment in Palanpur.

Sadra Bazar in the Mahi Kantha.

Rajkot Civil Station and Cantonment. The Head Quarters of the Kathiawar Agency.

Wadhwan	} Civil Stations in Kathiawar.
Jetalsar	
Songad	

Kolhapur Civil Station in Kolhapur.

The various railways are included in the Western Division of Railways in the classification in Volume V.

In 1874, an agreement\* was concluded with the Idar State under which a weir in the River Hathmutti and a canal through Idar territory were constructed and civil and criminal jurisdiction within canal limits was delegated to the British Government.

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\* Treaties, 4th Ed., Vol. V, p. 30.

## NATIVE STATES IN BOMBAY.

The following British enactments are in force in the Native States in Bombay :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor General in Council.—*See* Appendix II.

III.—Orders under Statutes.—

*No. 853 I. B., dated the 16th April 1913.*—Printed in Appendix IV. 28 Vict., c. 15.

<sup>1</sup> The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III. 53 and 54 Vict., c. 37.

IV.—Orders under Acts of the Governor General in Council and of Local Legislatures.

*No. 7644, dated the 26th September 1892.*—In exercise of the powers conferred by section 6 of Act XXIX of 1857 \* \* \* the Governor in Council is pleased to prescribe the undermentioned as the only routes by which goods will be allowed to pass into or out of the Portuguese possession Goa and Damaun, respectively, namely :—

\* \* \* \*

<sup>2</sup> [Into or out of Goa :—

From or to the Savantvadi State \* \*

By the Satarda Naka.]

\* \* \*

[*Bombay Government Gazette*, 1892, Pt. I, p. 983]

*No. 12753, dated the 23rd December 1907.*—Printed Vol. I, page 70.

[Ditto] States in Kathiawar and British India. Indian Divorce Act, 1869.

*No. 2017-I., dated the 15th June 1886.*—In exercise of the powers conferred by section 3, clause (2), of the Indian Divorce Act, the Governor General in Council is pleased to appoint the Political Agent in Kathiawar to be a District Judge for the purpose of the said Act.

Agent to the Governor, Kathiawar, appointed District Judge.

[*Gazette of India*, 1886, Pt. I, p. 382.]

*No. 3287, dated the 25th June 1888.*—The following rules framed by the Honourable the Chief Justice and Judges of the High Court under sections 20 and 22 of the Court-fees Act, VII of 1870, confirmed by the Government of Bombay and sanctioned by the Governor-General of India in Council, are published for general information :—

Court-fees Act, 1870. Service of processes of certain Courts in Native States by Courts in Bombay Presidency free of charge.

\* \* \* \*

<sup>1</sup> For delegation of powers to the Governor of Bombay in Council under the Order, *see* notification No. 2859-I. A., dated the 19th June 1903. Printed in Appendix III.

<sup>2</sup> Added by notification No. 6157 P., dated the 15th August 1900. *Bombay Government Gazette*, 1900, Pt. I, p. 1756.

XIV. Processes issued by Courts in Berar, Mysore, or by any of the Courts mentioned in the Government of India's notification No. 868-I. of the 13th March 1881, published at page 419 of the *Bombay Government Gazette* for 1885, Part I, to which the provisions of section 650 A of the Code of Civil Procedure have been applied\* shall be served free of charge by the Courts in the Bombay Presidency.

Indian Christian  
Marriage Act, 1872.

Officers appointed  
Marriage Registrars  
and licensed to grant  
certificates of  
marriage between  
Native Christians  
with instructions for  
disposal of marriage  
certificates.

No.—, dated the 5th November 1874.  
No. 8, dated the 11th February 1901.  
No. 33, dated the 30th June 1906.  
No. 520, dated the 27th December 1912.

} Printed in Appendix V.

Fees and rules.

No.— Ecclesiastical, dated the  $\frac{9th\ April\ 1873}{7th\ October\ 1874}$ . Not re-printed.

Sea Customs Act,  
1878.

[*Bombay Government Gazette*  $\frac{1873}{1874}$  Pt. I, p.  $\frac{337}{820}$ .]

Bhavnagar ports  
declared to be  
British Indian ports.

No. 1180, dated the 26th June 1866.—Under the provisions of section 12 of <sup>1</sup> Act VI of 1863 and in exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of His Highness .. the Thakur of Bhavnagar and the Nawab of Cambay <sup>2</sup> to be British Indian ports for the purposes of section 18, section 141 and sections 149 to 160 of the same Act in so far as the said sections or any of them are capable of being applied with respect to such ports.

[*Gazette of India*, 1866, Pt. I, p. 908.]

Port of Cambay  
declared to be a  
Customs port for  
certain purposes.

No. 2559, dated the 1st August 1884.—In exercise of the power conferred by section 13 of the Sea Customs Act, VIII of 1878, and in supersession of so much of notification No. 1180, dated the 26th June 1866, as related to the Port of Cambay the Governor General in Council is pleased to direct that all goods imported from, or exported to, the said port into or from any Customs-port in British India shall be treated as regards the levy of customs duties and the payment of drawbacks under the said Act as goods imported from, or exported to, a Customs port, as the case may be.

[*Gazette of India*, 1884, Pt. I, p. 282.)

\* The list of Courts is not reproduced.

<sup>1</sup> See now Act VIII of 1878, by section 2 of which this notification is kept in force.

<sup>2</sup> Cancelled as regards the Port of Cambay by notification No. 2559, dated the 1st August 1884, on this page.

*No. 358, dated the 23rd January 1885.*—In exercise of the power conferred by section 13 of the Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to direct that all goods imported from, or exported to, ports in the territory of the Nawab of Habsan<sup>1</sup> into, or from, any customs port in British India, shall be treated, as regards the levy of customs duties and the payment of drawback under the said Act, as goods imported from, or exported to, a customs port, as the case may be.

[*Gazette of India*, 1885, Pt. I, p. 142.]

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.  
(The Indian Arms Rules, 1909.)—

Indian Arms Act,  
1878.

Exemption of certain persons in Native States from certain prohibitions and directions contained in the Act.

Rules regarding the export of arms and ammunition from, and their import into, British India.

*No. 4124, dated the 2nd December 1902.*—Printed in Appendix VII.

Indian Income-tax Act, 1886.

Political Officers invested with certain powers of a Collector under the Act.

*No. 4227-I., dated the 31st October 1889.*

*No. 3775-I.A., dated the 7th September 1906.*

} Printed in Appendix VIII  
(a) Registrars of Births and Deaths.  
(b) Registrar-General, Bombay, to be Registrar-General.

Births, Deaths and Marriages Registration Act, 1886.

Appointment of (a) Registrars of Births and Deaths. (b) Registrar-General, Bombay, to be Registrar-General.

Rules and fees.

*No. 1173, dated the 19th July 1888.*—Printed in Appendix VIII.

Indian Tariff Act, 1894.

*No. 7133, dated the 20th September 1904.*—Printed Vol. I, page 72.

State territory in Kathiawar west of a certain customs line declared to be foreign territory for purposes of section 5.

<sup>1</sup> i.e., Janjira as distinct from the Nawab's other territory of Jafarabad in Kathiawar.

Indian Foreign  
Marriage Act, 1903.

*No. 341, dated the 11th August 1904.—Printed supra, page 4.*

Fees and Rules,  
Indian Extradition  
Act, 1903.

Political Agent  
authorised to grant  
extradition for an  
act against the law  
of the State which  
in British India  
would constitute an  
offence under the  
Criminal Tribes Act,  
1871.

*No. 3361-I.A., dated the 23rd December 1898.—Printed in Appendix IX.*

Additional  
extradition offence  
in the case of  
Khairpur.

*No. 3321-I.A., dated the 16th August 1908.—Printed in Appendix IX.*

Rules under the Act  
except in areas under  
British jurisdiction.

*No. 1862-I.A., dated the 13th May 1904.—Printed in Appendix IX.*

Indian Universities  
Act, 1904.

Inclusion of States  
in the territorial  
limits of the Bombay  
University.

*No. 717, dated the 20th August 1904.—Printed in Appendix X.*

Code of Civil  
Procedure, 1908.

Authority to sanction  
institution of suits  
and execution of  
decrees against  
Chiefs of States in  
Bombay.

*No. 1503-I, dated the 8th May 1896.—Printed in Appendix XI.*

Administrator-  
General's Act, 1874.

Inclusion of States  
in the Presidency  
of Bombay for  
purposes of the  
Act.

*No. 855-I. B., dated the 16th April 1913.—Printed in Appendix VI.*

Exercise of the  
powers and duties  
of a District Judge  
under the Act.

*No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.*

No. 9518, dated the 15th October 1912.—In exercise of the powers *Bombay Acts.* conferred by section 11 of the Bombay Abkari Act, 1878 (Bom. Act V of *Bombay Abkari Act 1878.* 1908), the Governor in Council is pleased to exempt from duty country liquor which has been manufactured at Nandod distillery within the territory of His Highness the Raja of Rajpipla and which is transported from the said distillery through the intervening British territory to His Highness' liquor depôt at Sagbara under permits for such transport signed by the Distillery Inspector, Nandod, subject to the following conditions, namely :—

- (1) The liquor shall be conveyed by the undermentioned route :—

*From Nandod to Ankleshwar in the Broach District,—by the Rajpipla State Railway.*

*From Ankleshwar to Surat,—by the main line of the Bombay, Baroda and Central India Railway.*

*From Surat to Nandarbar in the West Khandesh District,—by the Tapti Valley Railway.*

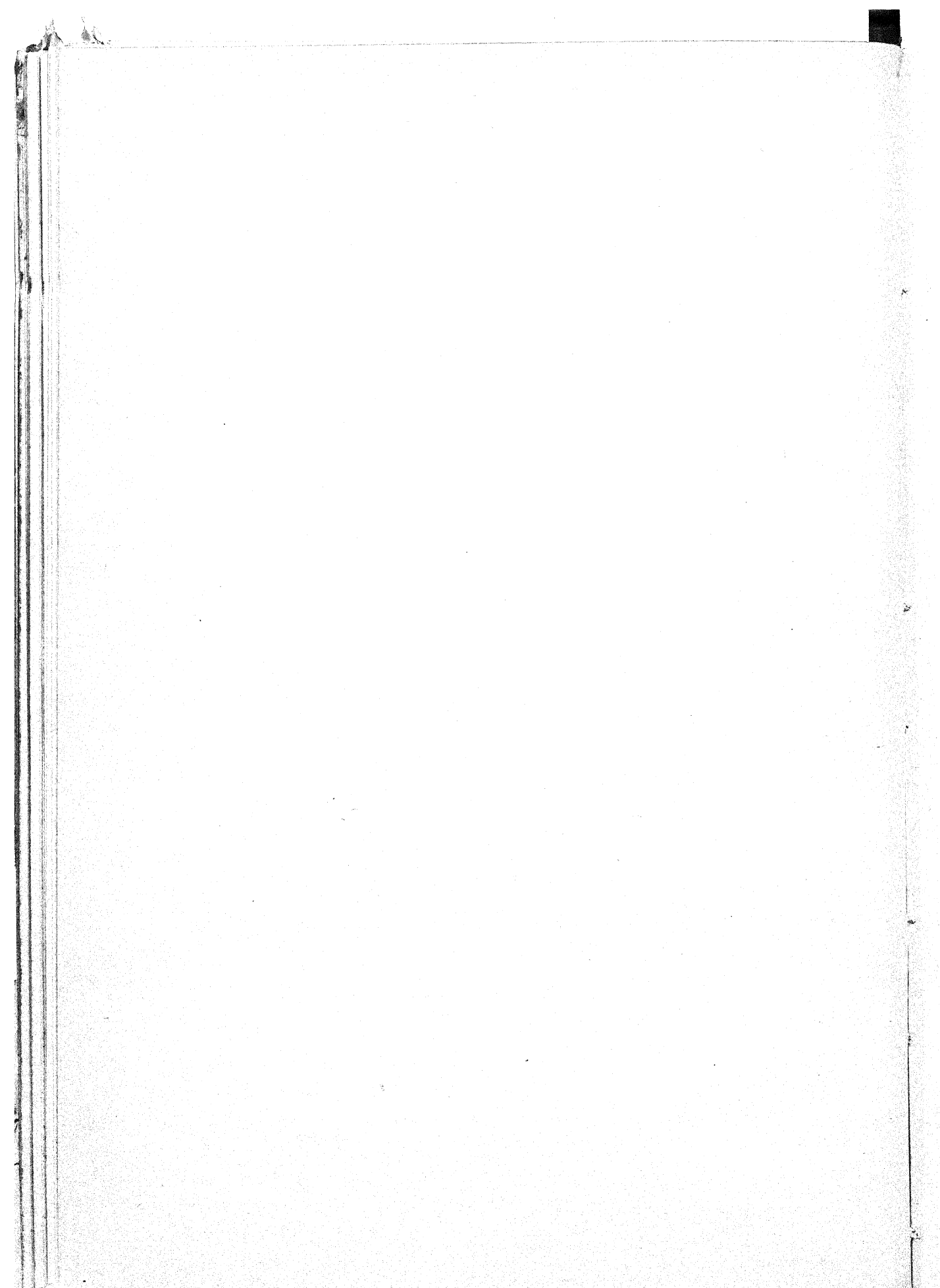
*From Nandarbar to Sagbara, by road.*

- (2) Each permit shall specify—

- (a) The number and date thereof ;
- (b) The name of the transporter ;
- (c) The name and description of the vessel containing liquor ;
- (d) The quantity and strength of liquor contained in each vessel ;
- (e) The name of the places from and to which liquor is to be transported ;
- (f) The mode of conveyance ; and
- (g) The date up to which the permit shall hold good ;

- (3) Liquor shall be taken in casks or kegs and each such cask or keg shall be securely closed and sealed and shall have marked on it the quantity and strength of the liquor contained therein.

[*Bombay Government Gazette*, 1912, Pt. I, p. 1833.]





## VI.—Orders relating to Courts.

*No. 1431-I., dated the 27th April 1893.*  
*No. 4220, dated the 3rd July 1895.* } —Printed in Appendix XIII.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.

*No. 1863-I.A., dated 13th May 1904.*—Printed in Appendix IV.—

Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV.

Jurisdiction of the High Court at Bombay over European British subjects.

*No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV.

Justices of the Peace to commit for trial in to the High Court having jurisdiction.

*No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the 1st class and to hold inquests.

*No. 132, dated 27th June 1873.*

*No. 2223-I., dated the 29th June 1886.*

*No. 393-A.I., dated the 28th January 1888.*

*No. 4971-I., dated the 18th December 1888.*

*No. 127-I., dated the 11th January 1890.*

*No. 1994-I., dated the 11th May 1890.*

} —Printed in Appendix IV.

Appointments of Justices of the Peace with instructions to those for Kathiawar to commit in certain cases to the Court of Session at Ahmedabad.

*No. 3567, dated the 7th June 1905.*—Whereas various orders have from time to time been issued by Government in regard to the criminal jurisdiction of Commissioners of Revenue in the Political Agencies under their supervision ;

And whereas doubts have arisen as to the construction of the said orders and it is therefore expedient to make better provision for the purpose of determining that jurisdiction :

Constitution of Commissioners of Division as High Courts for purposes of criminal jurisdiction in States subject to the jurisdiction reserved to the Governor of Bombay in Council.

The Governor in Council, in exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, is pleased, in supersession of all previous orders on this same subject, so far as they may be inconsistent with anything herein contained, to issue the following order for the said purpose :—

The Commissioner shall exercise the jurisdiction of a High Court, as described in the Code of Criminal Procedure, 1898 (Act V of 1898), in respect of offences over which the jurisdiction of a Court of Session is exercised by the Political Agent, subject to the following limitations :—

- (a) In the case of every appeal by a person convicted of an offence punishable with death or by a co-accused of such convict, the said jurisdiction shall be exercised by the Governor in Council ;
- (b) In every case decided by the Commissioner the Governor in Council reserves jurisdiction to call for the record and pass orders as he thinks fit.

[*Bombay Government Gazette*, 1905, Part I, p. 671.]

Criminal Courts of  
the Palanpur  
Agency.  
Magistrates of the  
1st class.

<sup>2</sup> No. 2933, dated the 4th May 1892.—His Excellency the Governor in Council is pleased to confer on the undermentioned officers the powers of a First Class Magistrate within the limits of the Palanpur Superintendency :—

(a) The Assistant Political Superintendent, Palanpur.

(b) The Personal Assistant to the Political Superintendent, Palanpur.

[*Bombay Government Gazette*, 1892, Pt. I, p. 373.]

Magistrates of the  
2nd class.

No. 4862, dated the 18th July 1889

\*

\*

\*3

The undermentioned Thanadars are appointed Magistrates of the second class :—

Thanadar of Santalpur.

Thanadar of Diodar.

Thanadar of Vav.

Thanadar of Kankrej.

Thanadar of Tharad.

[*Bombay Government Gazette*, 1889, Pt. I, p. 207.]

<sup>1</sup> Printed in Appendix III.

<sup>2</sup> The Palanpur "Superintendency" is now the Palanpur "Agency," and the Assistants to the Political Agent are styled "Assistant Political Agent" and "Deputy Assistant Political Agent."

<sup>3</sup> The rest of this notification related to civil jurisdiction and has been superseded.

*See the Kathiawar Agency Criminal Court Rules, 1884. Printed* Criminal Courts of  
the Kathiawar  
Agency.  
*infra* page 195.

*No. 3264-I. A., dated the 26th August, 1897.*—Whereas the Governor General in Council has certain jurisdiction within the Satara Jagirs, otherwise known as the States of Akalkot, Aundh, Bhore, Jath (including the estate of Daphlapur), and Phaltan :

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)<sup>1</sup>, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders with respect to such jurisdiction :—

#### PART I.

##### CRIMINAL JUSTICE.

For the purpose of the exercise in respect of the said jagirs of such jurisdiction as aforesaid in criminal cases :

(1) The Political Agent for the time being for each of the aforesaid States shall exercise in respect of such State the powers of a Court of Session as described in the Code of Criminal Procedure, 1882<sup>2</sup>, in every case wherein the offence or one of the offences charged is punishable under any of the provisions of Chapter VI, or Chapter VII, or under section 302, or section 303, or section 305, or under the final paragraph of section 307, of the Indian Penal Code, and shall, in the exercise of such powers, follow the procedure laid down by the said Code for the trial of cases by Courts of Session with the following modifications, namely :—

- (a) The trial of any such case may, (i) subject to the orders of the Governor of Bombay in Council, be held in such place as the Political Agent may in his discretion fix for the purpose, and may (ii), with the sanction of the Governor of Bombay in Council, be conducted without jury or the aid of assessors.
- (b) Every sentence of death or transportation for life passed by the Political Agent in any such case shall be referred for confirmation to the Governor of Bombay in Council, who may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and <sup>3</sup>[convict

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>2</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898). Printed General Acts, Vol. V, Ed. 1909, p. 14.

<sup>3</sup> Inserted by notification No. 7805-A., dated the 4th October 1902, *Bombay Government Gazette*, 1902, Pt. I, p. 1749.

the accused of any offence of which the Political Agent might have considered him, or ] order a new trial on the same or an amended charge or may acquit the accused person.

(2) Nothing in this part of these orders shall apply to—

- (a) any proceedings against European-British subjects or persons jointly charged with European-British subjects ; or
- (b) any proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

\* \* \* \* \*

[*Gazette of India*, 1897, Pt. I, p. 774.]

Constitution of  
Agency Civil Courts  
in the Palanpur  
Agency.

*No. 4292, dated the 23rd June 1903.—Printed infra, page 77.*

Mahi Kantha Agency

*No. 4950, dated the 7th July 1902.—Printed infra, page 129.*

*No. 1190, dated the 13th February 1907.—Printed infra, page 130.*

Rewa Kantha Agency.

*No. 3689, dated the 9th August 1879.—Printed infra, page 154.*

Kathiawar Agency.

*No. 6336-A, dated the 22nd September 1903.—Printed infra, page 288.*

Constitution of  
Agency Political  
Courts in the  
Palanpur Agency.

*No. 3312, dated the 21st May 1904.—Printed infra, page 82.*

Mahi Kantha Agency

*No. 5044, dated the 18th July 1907.—Printed infra, page 141.*

Kathiawar Agency.

*No. 5570, dated the 18th August 1903.—Printed infra, page 284.*

Rules for the guid-  
ance of Agency  
Criminal Courts in  
Kathiawar in matters  
relating to—

*No. 53, dated the 8th September 1902.—In republishing Chapters I and III of the Rules framed by His Majesty's High Court of Judicature at Bombay and sanctioned by His Excellency the Governor in Council under notification <sup>2</sup> No. 3834-A. of the 13th June 1902,\* \* the Acting Agent to the Governor desires it to be understood that the instructions contained therein should be followed by the Magistrates and the Police Officers under the Agency.*

- (a) arrest and in-  
vestigation by  
the police,
- (b) enquiry and  
trial by Magis-  
trates.

[*Kathiawar Agency Gazette*, 1902, p. 274.]

<sup>1</sup> The rest of this notification related to the discontinuance of the exercise of civil jurisdiction with a saving of pending and past proceedings.

<sup>2</sup> *Bombay Government Gazette*, 1902, Part I, p. 1236.

*No. 2444-I.B., dated the 26th November 1912.*—Printed in Appendix  
XII B.

*No. 2182-I., dated the 2nd July 1890.*—Printed in Appendix XIA.

*No. 2877-I.A., dated the 13th July 1906.*—Printed in Appendix XII B.

*No. 4051-I.A., dated the 18th September 1902.*—Printed in Appendix  
XII A.

*No. 2444-I.B., dated the 26th November 1912.*—Printed in Appendix  
XII B.

*No. 2053-I.B., dated the 22nd September 1911.*—Printed in Appendix  
XII C.

*No. 1366-I., dated the 29th March 1889.*

*No. 1367-I., dated the 29th March 1889.*

*No. 397-I.B., dated the 25th February 1910.*

*No. 1368-I., dated the 29th March 1889.*

*No. 2182-I., dated the 2nd July 1890.*

—Printed in Appendix  
XII A.

Service of summonses  
of Courts of States in  
Bombay—

(a) by Courts in  
British India ;

(b) by Courts estab-  
lished or continued  
by the Governor-  
General in Council.<sup>1</sup>

Execution of decrees  
of Courts of States in  
Bombay—

(a) by Courts in  
British India ;

(b) by Courts estab-  
lished or continued  
by the Governor-  
General in Council.

Service by Courts of  
States in Bombay of  
summonses—

(a) of Courts in  
British India.

Execution by Courts  
of States in Bombay  
of decrees—

(a) of Courts in  
British India.

Service by Courts<sup>2</sup> es-  
tablished or continu-  
ed by the Governor-  
General in Council  
in States in Bombay  
of summonses—

(a) of Civil or Reve-  
nue Courts in British  
India ;

(b) of other<sup>3</sup> Courts  
established or continu-  
ed by the Gover-  
nor-General in Coun-  
cil ;

(c) of Civil or Reve-  
nue Courts of Baroda,  
Hyderabad, Mysore,  
Central India States  
and States in the  
political control of  
the Bombay Govern-  
ments.

<sup>1</sup> See footnotes <sup>2</sup> and <sup>3</sup>.

<sup>2</sup> For a list of such Courts to which Courts in British India may send summonses under the Code of Civil Procedure for service and decrees for execution, see notification No. 787-I.B., dated the 9th April 1913. Printed in Appendix XIA.

<sup>3</sup> For a list of such Courts in other parts of India see notifications Nos. 786 and 788-I.B., dated the 9th April 1913. Printed in Appendix XIA.

Execution by Courts<sup>1</sup>  
established or continued by the Governor-General in Council in States in Bombay of decrees—

(a) of other<sup>2</sup> Courts established or continued by the Governor-General in Council;  
(b) of certain Courts of Baroda, Mysore,

and States in the political control of the Bombay Government.

Service of summonses of Courts established or continued by the Governor-General in Council in States in Bombay<sup>3</sup>—  
(a) by other<sup>2</sup> Courts established or continued by the Governor-General in Council;

(b) by Civil Courts of the Baroda and Mysore States.

Execution of decree of Courts established or continued by the Governor-General in Council in States in Bombay<sup>3</sup>—

(a) by other<sup>2</sup> Courts established or continued by the Governor-General in Council;

(b) by Civil Courts of the Baroda and Mysore States.

*No. 1363-I., dated 29th March 1889.*

*No. 399-I.B., dated the 25th February 1910.*

*No. 1364-I., dated the 29th March 1889.*

*No. 4051-I.A., dated the 18th September 1902.*

}—Printed in Appendix  
XIIA.

*No. 1367-I., dated the 29th March 1889.*—Printed in Appendix XIIA.

*No. 398-I.B., dated the 25th February 1910.*

*No. 2622-I.B., dated the 24th December 1912.*

}—Printed in Appendix  
XIIC.

*No. 1363-I., dated the 29th March 1889.*—Printed in Appendix XIIA.

*No. 2623-I.B., dated the 24th December 1912.*—Printed in Appendix  
XIIC.

<sup>1</sup> See footnote <sup>2</sup> on previous page.

<sup>2</sup> See footnote <sup>3</sup> on previous page.

<sup>3</sup> These Courts may send their summonses and decrees to Courts in British India for service and execution—see Sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908). Printed General Acts, Volume VI, Edition 1909, p. 133.

## VII. SPECIAL LAWS.

*Palanpur Agency.**Palanpur Agency.*

General Acts applied.

*Application of  
provisions of  
General Acts, viz.,  
Indian Penal Code.*

*No. 3802, dated the 13th June 1904.*—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous orders on the same subject so far as they may be inconsistent with anything herein contained, to apply to the whole of the territories included in the Political Agency of Palanpur, as entered in the Schedule annexed to the said notification of the Government of India (other than those in which the Governor-General in Council does not for the time being exercise legislative jurisdiction), the enactment specified in the Schedule hereto annexed, in so far as the same may be applicable:

Provided, *first*, that references in the said enactment as so applied to British India shall be read as referring to the said territories:

Provided, *secondly*, that the further modification set forth in the said Schedule shall be made in the said enactment as so applied:

Provided, *thirdly*, that for the purpose of facilitating the application of the said enactment, any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

*The Schedule.*

Enactment applied.

Further modification.

The Indian Penal Code  
(Act XLV of 1860).

To the *Explanation* to section 361 the following words shall be added, namely :—

and where no person is so entrusted with the care or custody of such minor or other person, the latter shall be deemed to be taken out of keeping of his lawful guardian, without the consent of such guardian <sup>2</sup> [if he is removed beyond the territorial limits of any State or Taluka without the consent of the political or chief executive authority exercising jurisdiction in such State or Taluka].

[*Bombay Government Gazette*, 1904, Pt. I, p. 752.]

<sup>1</sup> Printed in Appendix III.

<sup>2</sup> Substituted by notification No. 7585, dated the 24th November 1905. *Bombay Government Gazette*, 1905, Pt. I, p. 1611.

*Palanpur Agency.*

General Acts applied.

Court-fees Act, 1870.  
Schedule II.

*No. 2490, dated the 3rd April 1907.*— \* \* The Political Agent, Palanpur, should follow Schedule II of the Court-fees Act, 1870, so far as it is applicable to the Palanpur Agency, *i.e.*, the Schedule should *mutatis mutandis* be adopted in the Palanpur Agency.

[*Resolution of the Bombay Government.*]

Revenue Recovery  
Act, 1890.

*No. 1415-I., dated the 30th April 1890.*—Printed in Appendix XIV.

Epidemic Diseases  
Act, 1897.

*No. 443-I.A., dated the 4th February 1897.*—Printed in Appendix XVI.

Provincial Insolvency  
Act, 1907.  
Code of Civil Procedure, 1903.

*No. 4089, dated the 29th June 1896.*— \* \* The Governor in Council is pleased to direct that in future the Civil Courts of the Palanpur<sup>1</sup> [Superintendency] shall be guided generally in their procedure by the provisions of the<sup>2</sup> [Code of Civil Procedure, 1903 (V of 1903), and of the Provincial Insolvency Act, 1907 (III of 1907), as amended from time to time] except that the dwelling houses and lands and cattle and agricultural implements of the actual cultivators of the soil shall not be liable to be sold or transferred to other persons in execution of decrees, nor shall any immoveable property or any share in immoveable property belonging to persons other than cultivators be so sold or transferred without the previous permission of the Political Superintendent.

[*Resolution of the Bombay Government.*]

Explosive Substances  
Act, 1908.

*No. 5702, dated the 25th August 1908.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India in the Foreign Department,<sup>3</sup> No. 2859-I.A., dated the 19th June 1903, the Governor in Council is pleased to apply the Explosive Substances Act, 1908 (VI of 1908), to all places within which the Governor in Council is authorised to make rules and orders by the said notification, including the Thana Circles and the Civil Stations, the Cantonments of Deesa<sup>4</sup> [and Bhuj], and the lands occupied by railways, which are referred to in the notifications of

<sup>1</sup> Now "Agency."

<sup>2</sup> Substituted by Government Resolution No. 6612, dated the 6th October 1909.

<sup>3</sup> Printed in Appendix III.

<sup>4</sup> The Cantonment of Bhuj has been abandoned and jurisdiction has been restored to the Cutch Darbar.



the Government of India in the Foreign Department, <sup>1</sup> Nos. 1082-I.B., and Bombay Regulation 1083-I.B., dated the 2nd March 1900 :

Provided that all references to British India in the said Act shall be read as including all the places to which the said Act is hereby, or may hereafter be, applied.

[*Bombay Government Gazette*, 1908, Pt. I, p. 1323].

*Application of provisions of Bombay Regulations, viz.*

No. 6211, dated the 3rd September 1901.—The Governor in Council is pleased to direct that in future the Courts of the Palanpur Superintendency shall be guided by Bombay Regulation <sup>2</sup> VIII of 1827 in granting certificate of heirship, and that in such cases *ad valorem* fees should be levied at the rate of 2 per cent. on the amount or the value of the property for which the certificate is granted.

[*Resolution of the Bombay Government.*]

Bombay Regulation VIII of 1827 (Administration of Estates).

*Application of provisions of Bombay Acts, viz.,*

No. 5573, dated the 23rd August 1910.—Not reprinted.

[*Resolution of the Bombay Government.*]

<sup>3</sup> Bombay District Police Act, 1890, applied to the Palanpur Agency Police.

No. 7765, dated the 23rd October 1912.—\*\*The Governor in Council is pleased to direct that the Courts in the Palanpur Agency shall be guided by the spirit of the Mamlatdars' Courts Act, 1906 (Bom. Act II of 1906).

2. The Political Agent shall exercise the powers of revision under section 23 of the Act.

[*Resolution of the Bombay Government.*]

<sup>4</sup> Mamlatdars' Courts Act, 1906.

<sup>1</sup> Superseded now by notifications Nos. 778, 779, 781 and 783-I.B., dated the 9th April 1913, printed in Volume V at pages 35 to 45, and 58 to 70, whereby Act VI of 1908 has been applied to all railway lands in Western India over which jurisdiction has been ceded, including those of that Division in Baroda, Hyderabad and Mysore for which, though they are under the administration of the Bombay Government, powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, have not been delegated to the Governor of Bombay in Council—see Appendix III.

<sup>2</sup> Printed Bombay Code, 3rd Ed. Vol. I, p. 6

„ „ „ „ Vol. III, p. 1331.  
„ „ „ „ Vol. IV p. 1753.

Salt Regulations,  
1882.

No. 4706, dated the 19th July 1882.—It is hereby notified, by orders of the Governor in Council, that all salt not covered by a permit which shall be carried across the Frontier Line herein after described and all salt spontaneously produced within and eastward of the said line which shall be removed without due permission will from the date of this notice be contraband salt as defined in Bombay Act VII of 1873, and all persons concerned in passing, removing or transporting such salt, or accepting or retaining such salt, and all such salt, and all vessels, animals and conveyances used or intended to be used in transporting it, and all goods, packages and coverings in or among which it may be placed will be liable to the penalties set forth in Part VI of the said Act.

*Definition of the Salt Frontier Line north of the frontier of Jhinjura in Kathiawar.*

From the Northern Extremity of the Frontier Preventive Line as defined by<sup>1</sup> notification No. 44 of 1875 of the Political Agent in Kathiawar the line will follow a northerly course parallel with the Coast of the Runn and at a distance of three miles therefrom until it arrives opposite the boundary between Mowsari, a Wao village under the Palanpur Political Superintendency and Boyetra under Jodhpur in Rajputana.

*<sup>2</sup>Rules of procedure.*

I. For the due protection of the Salt Revenue the Chiefs should be required to admit posts of offices of the Salt Department into such villages and places as the Political Superintendent may appoint at the instance of the Collector of Salt Revenue, and to assist the Salt officers to find accommodation in such villages and places in every reasonable way.

II. The officers of the Salt Department should be permitted to follow and apprehend smugglers, and to seize suspected salt, and carriages, animals and trappings used in its conveyance, and the contents of any package in which it may be concealed. And it shall be the duty of the officers making such apprehension and seizures to take the prisoner or prisoners and property forthwith to the Inspector to whom they are immediately subordinate, who after such preliminary inquiry as may be necessary (to be in all cases completed within 24 hours) shall forward any prisoner or prisoners who may appear from the information obtained to have committed any offence punishable under this notification to the proper Court and shall release any prisoner or prisoners, the evidence or reasonable ground of suspicion against whom appears insufficient

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<sup>1</sup> Printed *infra* p. 191.

<sup>2</sup> These rules have also been adopted by the Chiefs in jurisdictional States.

to justify his or their transmission to a Court, submitting a report of the case for the orders of their immediate superior. Any person or persons who may have been released from arrest under this rule by Inspectors of the Salt Department shall be liable to re-arrest and trial on application being made to the Political Superintendent by the Assistant Collector of Salt Revenue in charge of the Preventive Line.

III. It shall be the duty of the States concerned to cause their officers to take part in the pursuit and seizure of smugglers, etc., and generally to assist the officers of the Salt Department. In the case of any seizure made by the Chief's officers independently of the officers of the Salt Department notice should be given to the head local officer of the Salt Department, who will then arrange to take possession of the salt and property seized and pass a receipt therefor. Opportunity should also be given him for such inquiry as may be necessary to ascertain whether the property seized is liable to confiscation.

IV. The Salt Department should prosecute all persons accused of smuggling before the Local Court of the Chief or Superintendency. An appeal to the Political Superintendent, if he has jurisdiction over the Local Court, against the decision of the Court, whatever it may be, will be open both to the prosecutor and to the accused.

V. The Patel or Headman of every village under the Superintendency in which formations of natural salt may take place shall report to the nearest officer of the Salt Department the existence of such formations within three days from the time he may become aware of it. If any person bound to report under this Rule shall wilfully omit to do so he shall for every such offence be liable to fine not exceeding (500) five hundred rupees.

*[Resolution of the Bombay Government.]*

<sup>1</sup> No. 4746, dated the 30th July 1890.—Rules for the practice of Legal Practitioners (Practice and Remuneration) Rules, 1890.  
Pleaders in the Civil Courts of the Agency.

1. A Pleader or Vakil shall not be allowed to act in any suit or proceeding until he has obtained from the party and filed in the Court a power-of-attorney (Vakilatnama) according to the form contained in Appendix A appointing him Pleader in the cause.

2. If a party engages a Pleader to act in his behalf, he shall present him with one rupee as a retaining fee, for which the Pleader shall grant him a

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<sup>1</sup> These rules were originally introduced into the Mahi Kantha Agency and subsequently adopted in the Palanpur Agency.

written acknowledgment specifying the date of payment, and if the said retaining fee be not offered, the Pleader shall demand it, and abstain from all proceeding until it be delivered.

3. If after receiving the retaining fee a Pleader shall engage with or act for the other party or refuse or omit to act on behalf of his client he may be punished by a fine not exceeding Rs. 400 (four hundred), or if the matter in litigation be less than Rs. 250, then not exceeding twice the amount of the sum in dispute between the parties.

4. No order shall be passed under this rule except after an investigation in writing nor by officers of lower degree than Assistant Political Agents, but the subordinate officers shall forward their proceedings to the Assistant Political Agent who shall pass orders subject to appeal to the Political Agent's Court.

5. Where the circumstances are of an aggravated nature the Political Agent will suspend the Pleader or withdraw his Sanad. No punishment inflicted under these rules shall protect Pleaders from Civil or Criminal prosecution.

6. It shall be incumbent on a Pleader at the time of receiving from his clients any accounts, writings, or documents to give written receipts for them and to restore them when required under penalty of fine not exceeding Rs. 100 to be awarded by the officers described in Rule 4. If the circumstances are of an aggravated nature the Political Agent will suspend the Pleader or withdraw his Sanad.

7. Each Pleader employed in prosecuting or defending an original suit or a regular or special appeal shall be entitled to a percentage on the amount sued for, according to the rates specified in the Appendix B, as a remuneration for his trouble in acting on behalf of his client until the decree in the suit is passed and thereafter until such decree is fulfilled.

8. If an acknowledgment of the demand is entered or a suit or appeal withdrawn without being brought to trial, the Pleader shall be entitled to only one-quarter of the established fee.

9. As against an opposite party the fees may be considered costs of the suit, but not so as between a Pleader and his own client. A Pleader shall be left to remedy by regular suit against his own client. In the Civil Courts of lower grade than Assistants, Vakil's fees shall not in any case be treated as costs of the suit.

10. The above rules shall not prevent an express agreement being entered into between Pleader and client for either a larger or smaller sum than the established fee, but no excess over the established fee, shall be levied as costs of the suit.

11. Any party may engage two or more Pleaders to conduct his suit or defence, but the party found liable in costs shall not be answerable for more than the established fee of one Pleader on behalf of the other party.

12. It shall be competent to a party at any time to withdraw the authority vested in a Pleader to act in his behalf on giving the Court notice in writing to that effect, but it shall not be competent to a Pleader to withdraw from acting on behalf of his client without the consent or the special permission of the Court.

13. If a Pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceeding in the suit shall be stayed for such time as the Court deems reasonable to enable the party to transfer by endorsement or otherwise power-of-attorney (either temporarily or until the suit is terminated) to another Pleader, and any Pleader absenting himself without written notice as above prescribed may be punished by fine not exceeding Rs. 100 to be adjudged by the officers designated in Rule 4.

14. In case of the resignation, dismissal or death of a Pleader proceedings in the suit shall in like manner be stayed.

15. It shall be lawful for a Pleader (approved by the Political Agent for that purpose) to act on a general Vakalatnama on behalf of jurisdictional Chiefs, provided a duplicate be deposited. In all other cases the Vakalatnama must be for the particular case, and General Vakalatnamas will not be recognised.

16. These Rules shall take effect from the date of publication.

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APPENDIX A.

SEE RULE 1.

Form of power-of-attorney to enable a Pleader to act in a suit.

In the Court of \_\_\_\_\_

Suit for Rupees \_\_\_\_\_

\_\_\_\_\_ Plaintiff

Against

\_\_\_\_\_ Defendant.

I, \_\_\_\_\_ Plaintiff (or Defendant as the case may  
be) do hereby authorise \_\_\_\_\_ to appear and  
act as Pleader for me in the above suit.

Witness my hand

this \_\_\_\_\_ day of 189 . .

(Signed) or the mark of the

Plaintiff

or

Defendant.

APPENDIX B.

SEE RULE 7.

Statement showing the fees to which Pleaders are entitled for acting from the beginning till the end of a suit or regular or special appeal including execution of decree, when there is no special rule nor specified agreement.

In suits for not more than Rs. 2,000 . . . 3 per cent.

In suits from Rs. 2,000 to Rs. 10,000 inclusive, on Rs. 2,000 as above and on the remainder . . . 2 per cent.

In suits from Rs. 10,000 to Rs. 20,000 inclusive, on Rs. 10,000 as above and on the remainder . . . 1 per cent.

In suits for more than Rs. 20,000, on Rs. 20,000 as above and on the remainder . ½ per cent.

[ Resolution of the Bombay Government. ]

No. 2651-I., dated the 25th June 1891.—Printed in Appendix XV.

Publication of  
newspapers and  
other printed works.

No. 6726, dated the 27th October 1892.— \* \* The Kathiawar Application of the  
Agency Limitation Law<sup>1</sup> should be extended to the Palanpur Political Kathiawar Agency  
Superintendency from the 1st May 1893. Limitation Law,  
1890.

[Resolution of the Bombay Government.]

No. 5889, dated the 23rd September 1895.

Fees for Sanads to  
practise in the  
Agency Courts.

Scale of annual fees for Sanads to practise in the Courts of the Palanpur  
Agency—

	Rs.
For all Barristers and Advocates of the High Court of Bombay . . . . .	50
(1) Attorneys at Law of the High Court of Bombay . . . . .	30
(2) Pleaders of the High Court of Bombay . . . . .	
(3) Persons holding the degree of Bachelor of Laws of the University of Bombay . . . . .	
(1) * * *2 . . . . .	20
(2) District Court Pleaders from Ahmedabad, etc. . . . .	

(Provided also that any one member of the Bar or any of the Pleaders  
abovementioned may, at the discretion of the Court having juris-  
diction, be granted permission to appear as a Pleader or may  
draft a petition or appeal in any particular case on payment of a  
fee of Rs. 5 notwithstanding the fact of his not having obtained  
a general Sanad.)

For all local Pleaders who are practising in a Court of the Political Superintendent and the Courts subordinate to it . . . . .	30 <sup>3</sup>
For all Pleaders practising only in the Thana Courts . . . . .	5
For authorised Translators . . . . .	10

[Resolution of the Bombay Government.]

<sup>1</sup> Printed *infra*, p. 201.

<sup>2</sup> Related to qualification by an examination since discontinued.

<sup>3</sup> Raised to this figure by Resolution No. 6399, dated the 22nd August 1912.

Palanpur, Mahi  
Kántha and Rewa  
Kántha Agencies  
Encumbered Estate  
Rules, 1897.

No. 4264, dated the 8th July 1897.—WHEREAS it is expedient to provide

Preamble.

for the relief of certain indebted Tálukdárs  
and Garásias in the Rewa Kántha and Mahi

Kántha Agencies and the Pálanpur Superintendency and to maintain the  
existing status of such Tálukdárs and Garásias and at the same time to secure  
the punctual payment by them of tribute and other Government dues: the  
following Rules have been made with the consent, approval and sanction  
of His Excellency the Governor in Council, and are hereby promulgated  
and shall come into force on and from the 1st September, 1897 :—

These rules may be applied to Tálukdárs at present exercising hereditary

Definition, "Estate-holder."

jurisdiction or whose names are entered in  
the tribute list or who hold and possess

Estates on political tenure, subject to administrative charges, and to Garásias  
who can prove their direct descent from the ancestor of any such Tálukdárs  
and who are still in the possession of their own Garás Estates. Any Táluk-  
dár or Garásia to whose Estate these rules may be applied is hereinafter  
designated the "Estate-holder."

I. Whenever it shall appear to the satisfaction of a Political Officer,

Recommendation for application of  
Rules to Encumbered Estate.

not lower in rank than an Assistant Political  
Agent or Superintendent, from enquiries  
made either of his own motion or upon an

application from a Tálukdár or Garásia to whom these Rules are applicable,  
that any such Tálukdár or Garásia is, either personally or in respect of his  
landed Estate, subject to debts or liabilities of such an amount that there  
is no reasonable anticipation that they can or will be liquidated in any other  
way, he shall recommend that these Rules be applied to the said Estate as  
an encumbered Estate :

Provided that no application from a tribute-paying Tálukdár in the Mahi

Proviso as to the Mahi Kántha  
Agency.

Kántha Agency shall make it incumbent on  
such Political Officer to take any proceeding  
under this Rule.

II. Such recommendation shall be made in the form of a report, con-

Form, etc., of recommendation.

taining full particulars regarding the Estate  
and its liabilities and the inability of the

Estate-holder to meet the liabilities, to the Political Agent or Political  
Superintendent, as the case may be.

III. The Political Agent or Political Superintendent, on receiving the

Notification of Encumbered Estate  
brought under management.

report prescribed by the last preceding Rule,  
and after satisfying himself that there is a  
reasonable case for applying these Rules



may publicly notify that the said Estate is, from the date of such notification, an encumbered Estate and is placed under management, and will be dealt with in the manner provided by these Rules:

Provided that no management under these Rules shall extend beyond the period of twenty years from the date of the aforesaid notification. At the end of that time, all debts and liabilities, except Government dues, existing at the time of the said notification, and comprised in the scheme of liquidation hereinafter defined, shall be deemed to be fully discharged and satisfied for all intents and purposes whatsoever.

IV. For every Estate so placed under management a Manager shall be appointed, who shall, unless the Political Agent or Political Superintendent in any case otherwise directs, be one of his Assistants. There shall vest in the Manager, for the purpose of administering the said encumbered Estate, all and every right to moveable and immoveable property of or to which the Estate-holder was on the date of the notification possessed or entitled, or which may thereafter, during the continuance of the management, be acquired by or devolve on him.

Appointment of Manager.  
Vesting of Estate in Manager.

Provided that the words "moveable property" in this Rule shall not be held to include household goods or wearing apparel required for the personal use of the said Estate-holder or any member of his family. The Estate-holder shall be bound to furnish a list of all moveable property in his possession, and the Manager may require that all surplus ornaments and other property in the possession of the Estate-holder shall be produced before him for disposal.

Definition, "Moveable property."

V. From the date of the aforesaid notification any proceedings pending in any Civil Court in respect to any debt or liability of the Estate-holder shall be stayed: and the operation of all processes, executions and attachments of or by any Civil Court, then in force in respect of the Estate, shall become inoperative: and so long as the Estate remains under management as an encumbered Estate, no fresh proceedings, processes, executions or attachments shall be instituted in or issued from or ordered by any such Court in respect of the Estate-holder's debts and liabilities.

Effect of notification, etc.

VI. From the date of the aforesaid notification the Estate-holder shall become and shall be, so long as the management continues, incompetent—

Incompetency of Estate-holder to contract, etc.

(a) to enter into any contract involving himself or the Estate in pecuniary liability;

- (b) to mortgage, charge, lease or alienate the Estate or any part thereof ;
- (c) to grant valid receipts for the rents and profits arising or accruing therefrom.

VII. Within fifteen days from the date of his appointment, the Manager shall publish in such manner as may be most effective a notice in Gujaráti calling upon all persons having claims against the Estate-holder or the Estate to present their claims in writing to the Manager within three months from the date of the publication of the notice. He shall also cause copies of the notice to be posted up in the Thánadár's kacheris in the district in which the Estate is situated.

VIII. Every claim so presented shall be in writing ; shall be explicit ; shall give all the particulars within the claimant's knowledge ; and shall, wherever practicable, be supported by every document upon which the claimant relies. The Manager may refuse to accept documentary evidence not adduced with the statement of claim at the time when it was presented.

IX. If the document relied on be an entry in any book, the claimant shall produce the book to the Manager together with a copy of the entry. The Manager shall mark the book for the purpose of identification, and after examining and comparing the copy with the original and recording a certificate on the copy to that effect, shall return the book to the claimant, and the certified copy shall be kept with the statement of the claim.

X. Every claim other than a claim by Government not filed within the time and in the manner prescribed in Rule VIII shall be deemed to have been duly discharged and shall be forever barred :

Provided that it shall be within the competence of the Manager to allow to any claimant a further period of three months within which he may satisfy the Manager that he had good and sufficient reasons for not filing his claim within the prescribed period.

Every order for allowing an extension of time under this Rule shall be recorded by the Manager in writing and in the form of a proceeding shewing his reasons for allowing the extension.

When the Manager refuses to allow an extension of time under this Rule he shall record his reasons for such refusal in writing.

- XI. When a claim has been duly presented, the Manager shall endorse the statement of claim in his own handwriting and number in its order of priority.

Enquiry into claims.

As soon as the period within which claims may be presented has expired, the Manager shall, without delay, enquire, in their due order so far as may be, or otherwise, as may best suit the public convenience, into all the claims that have been presented against the Estate.

- XII. Subject to the provisions of Rule XX such enquiries shall, in all cases, be conducted in accordance with the following principles :—

Nature of enquiry.

A.—The first point to be ascertained, wherever possible, shall be the amount of the principal sum originally lent by each creditor. The history of each claim should be studied carefully and traced as accurately as possible with a view to obtaining such information.

B.—When the Manager has satisfied himself as to the amount or approximate amount of the principal, he shall allow upon it 6 per cent. simple interest per annum from the date of the loan to the date of the notification issued under Rule III, and the aggregate sum so arrived at, and nothing more, shall be the sum awarded under these rules : provided that in no case shall the amount of the interest awarded be in excess of the principal.

C.—If owing to the deficiency of the income of the Estate, it cannot provide for all debts or cannot pay the interest due at the prescribed rate within the aforesaid period of 20 years, such reduction shall be made (1) in the rate of interest, and (2) in the admitted principal debt, as may be necessary for the proportional liquidation of all debts in their several orders within the said specified period.

D.—If it appear that the debt was incurred by the predecessor in title of the Estate-holder without his concurrence and was not subsequently recognized by the Estate-holder, the claim shall be dismissed :

Provided that in cases in which the Estate-holder is a minor it shall rest with the Political Agent or Superintendent to recognize any debts which may seem to him reasonable.

- XIII. If it appear that the interest already received by any claimant amounts to double the principal, or to the principal plus 6 per cent. compound interest, the claim shall be dismissed.

Dismissal of claim.

- XIV. Subject to the above general principles, the investigation and settlement of all points of detail shall rest with the Manager. The procedure to be

Procedure.

followed shall, as nearly as may be convenient, be the procedure followed by Civil Courts in adjudicating upon civil claims. But the Manager will always have considerably more latitude than a Civil Court in dealing with evidence; as, for instance, in going behind bonds for the purpose of ascertaining what sums were really advanced to the Estate-holder.

XV. Subject to the provisions of Rule XX, the Manager will carefully investigate the real merits of every claim and satisfy himself that, where a debt appears to be for value received, value really was received: and that where a debt appears to be for service rendered, the service was rendered and was equivalent to the money value sought to be recovered.

XVI. It shall be within the competence of the Manager to refuse to award interest in any case when he finds that the accounts are not satisfactory. Refusal to award interest if accounts unsatisfactory. When the advance of the principal cannot be satisfactorily traced, a deduction of 50 per cent. is to be made from the amount of the debt as it appears at the time when first there is satisfactory proof of it.

XVII. In absence of a special provision for interest, no interest shall be allowed. No interest payable in absence of express provision.

XVIII. All payments made by the Estate-holder to the claimant, or profits which have been enjoyed by such creditor towards the liquidation of any debt or liability, shall be deducted from the principal sum of the debt or liability, and interest on an amount equal to such deducted sum shall be disallowed from the time of such payment or enjoyment, and the Manager shall be empowered to decide on the amount of profits realized under such enjoyment, after examining such proofs as are presented to him.

XIX. The Manager may, with the previous sanction of the Political Agent or Political Superintendent, appoint, with such rates of remuneration as may be reasonable, a Committee of three native gentlemen of experience, two at least of whom shall not be in the service of the Agency, to assist the Manager in deciding what claims are admissible and to what amount under these Rules. Any expenditure incurred under this Rule shall be deemed to be a part of the expenses of management.

XX. In any case where debts have been awarded against the Estate-holder by the decree of a competent Civil Court before the Estate was declared to be an encumbered, Estate, the Manager shall  
Recognition of decree of Civil Court.

accept the decree as conclusive proof of the amount therein awarded : Provided that—

I—The Manager shall be empowered, if he has reasonable ground for believing that the amount decreed is more than twice the amount of the original debt, to go behind the decree and enquire into the history of the transaction, with liberty to reduce the amount of the claim to such sum as will represent the original debt, *plus* interest thereon to an equal amount, *minus* any sums paid on account, in satisfaction either of principal or interest.

II—The Manager shall be empowered, in preparing the liquidation scheme under Rule XXIII, to reduce the decretal amount in conformity with a general rateable reduction of all debts due by the Estate-holder.

III—The Manager shall likewise be empowered to reduce the rate of interest awarded by the Court which made the decree to the same general rate of interest as is allowed by Rule XII.

XXI.—Debts shall be liquidated in order of priority subject to the following provisos :—

- (a) Debts secured on the Estate shall take precedence of all debts not so secured.
- (b) Decreed debts shall take precedence of bonded and account debts.
- (c) Bonded debts shall take precedence of account debts.

(2) Provided also that all debts shall be liable, in case of necessity, to rateable reduction under Rule XII, clause C.

XXII.—In dealing with all claims against an encumbered Estate, the Manager shall be guided by the Limitation Law, if any, and the Registration Rules, if any, for the time being in force in the Agency or Superintendency Courts, so far as they may be applicable.

XXIII.—As soon as the total amount of debts and liabilities has been finally ascertained, the Manager shall, without delay, prepare and submit to the Political Agent or Political Superintendent a schedule of such debts and liabilities in the order in which it is purposed to pay them off, and a scheme to be called "the Liquidation Scheme," showing the manner in which it is proposed to pay and discharge the said debts and liabilities out of the available revenues of the Estate, after making provision for all expenses incidental to the management, including the payment of Government

tribute and other dues, charges for establishment, repairs and improvements, allowance for the maintenance and education of members of the Estateholder's family, and for necessary ceremonial observances.

XXIV.—The Political Agent or Political Superintendent may, thereupon, immediately, or after such further  
Sanction and publication of Scheme. enquiry as he may direct, sanction the Liquidation Scheme in the form of which he finally approves. And the Political Agent or Superintendent shall thereupon, without delay, publish the Liquidation Scheme in the most effective manner with a notification that he has sanctioned it.

XXV.—The effect of such public notification shall be to extinguish  
Effect of notification. finally all debts other than Government dues owed by the Estateholder and every claimant shall be entitled to receive under the Liquidation Scheme the amount (if any) finally awarded to him therein, in respect of his claim and nothing more.

Provided, however, that if the condition of the Estate shall at any subsequent period during the management be found sufficiently prosperous to justify payments considerably larger than those awarded in liquidation of debts, nothing in these Rules shall be deemed to debar the Political Agent or Political Superintendent from making a supplementary award on the general principles hereinbefore approved.

XXVI.—The Manager shall be empowered to require any mortgagee  
Recovery of mortgaged property. in possession of any part of an encumbered Estate to deliver up his possession to the Manager at the close of the revenue year during which the Estate came under these Rules, and on failure of the mortgagee so to surrender possession, to summarily evict him, or any person obstructing or resisting on his behalf, from the said portion of the encumbered Estate.

Nothing in this Rule shall be held to affect the right of such mortgagee to receive under the liquidation scheme the amount (if any) awarded to him.

XXVII.—If the Estateholder dies after his Estate has been declared to  
Death of Estateholder. be an encumbered Estate and before the management has terminated, all claims against the estate shall be extinguished except debts due to Government or incurred with the sanction of Government or, where the successor to such Estateholder is a minor, such other debts as the Political Agent or Superintendent may recognize as reasonable.

XXVIII.—An appeal from any act done or order made by the Manager shall lie within six weeks to the Political Agent or Political Superintendent and the order passed on such appeal shall be final.

XXIX.—The Manager shall be assisted by a sufficient establishment of auditors, sub-managers and other subordinates, and may depute to them such duties as the Political Agent or Political Superintendent may determine: Provided that all such subordinates as may be entrusted with the collection or custody of money shall furnish adequate security. The Estate-holder or any member of his family shall, with the Political Agent's or Political Superintendent's sanction, be eligible for employment under this Rule.

XXX.—Every Manager appointed under these Rules and every subordinate of such Manager shall be deemed to be a public servant within the meaning of the Indian Penal Code. And every investigation conducted before a Manager in respect to any claim preferred under these Rules, or to any matter connected with such claim, shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code.

XXXI.—No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* in pursuance of these Rules.

XXXII.—For the purpose of any inquiry under these Rules the Manager may summon and enforce the attendance of witnesses, and may compel them to give evidence, and compel the production of documents and accounts by the same means, and as far as possible in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

XXXIII.—Nothing in these rules shall exclude the jurisdiction of the Agency or Superintendency Courts in suits relating to the succession to or to a coparcenary interest in any Estate to which these rules have been applied: Provided that in all such suits the Manager of the said immoveable property shall be made a party to the suit, and that no Court shall entertain any such suit without the sanction of the Political Agent or Political Superintendent.

XXXIV.—During the period of management the Manager shall ordinarily exercise the same powers in respect to the encumbered Estate as the Estate-holder formerly exercised. He shall conduct the management under the control of the Political Agent or Political Superintendent and will in all cases submit for his information and approval such estimates, accounts and other returns as the Political Agent or Superintendent may require.

XXXV.—At any time before he has sanctioned a liquidation scheme under Rule XXIV the Political Agent or Superintendent may publicly notify that on a date fixed by such notification the management shall be relinquished.

On the date so fixed—

- (a) the management shall terminate ;
- (b) the owner of the property under management shall be restored to the possession thereof subject to any leases made ;
- (c) any residue of the rents and profits of the said property shall be paid to him ; and
- (d) the proceedings, processes, executions and attachments stayed and suspended under Rules V and X and the debts and liabilities barred by Rule X shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

Provided that this Rule is not applicable to, and shall not be applied to, any Estate in the Rewa Kantha Agency, and that nothing in this Rule shall render any tribute-paying Estate in the Mahi Kantha Agency liable to any proceedings, processes, execution, or attachments to which it would not otherwise be liable.

XXXVI.—When the debts and liabilities mentioned in the liquidation scheme have been paid and discharged as therein provided, or extinguished under Rule XXVII, the Political Agent or Superintendent, as the case may be, shall, unless the Estate-holder (or his successor in interest) is then a minor, upon a report from the Manager, publish a notice fixing a date for the termination of the management. In cases in which the Estate-holder (or his successor in interest) is a minor the date to be fixed for the termination of the management shall not be earlier than that on which the minority will terminate.



XXXVII.—On the date so fixed the management shall terminate and the  
 Restoration of Estate to Estate- Estate-holder (or his successor in interest)  
 holder. shall be restored to possession and enjoyment  
 of his Estate.

[*Resolution of the Bombay Government.*]

No. 4292, dated the 23rd June 1903.—In exercise of the power and Palanpur Agency,  
 jurisdiction delegated by the Government of India, Foreign Department, Civil Courts Rules,  
 notification No. 1975-I. A., dated the 16th May 1902, and of all other 1903.  
 powers enabling him in this behalf, the Governor in Council is pleased in  
 supersession of all previous rules on the subject to prescribe, with effect from  
 the 1st July 1903, the following revised rules for defining the Civil Jurisdic-  
 tion, Original and Appellate, to be exercised by the Courts of the Political  
 Agency in Pálanpur, for regulating the right of appeal and the payment of  
 Court-fees by parties, and for ensuring punctuality in the discharge of  
 judicial business.

1. The Civil Courts of the Pálanpur Agency shall be classed as—

- (a) Subordinate Courts.
- (b) Courts of the Assistants to the Political Agent.
- (c) The Political Agent's Court.

2. The Subordinate Courts are specified in Appendix A. Their juris-  
 diction shall be limited to civil suits of all descriptions of the values specified  
 herein or such values not exceeding in any case Rs. 5,000 as the Political Agent  
 shall hereafter, with the sanction of Government, from time to time direct.

3. The Courts of the Assistants to the Political Agent are specified in  
 Appendix B. Their original jurisdiction shall be limited to civil suits of all  
 description of the values specified therein or such values as the Political Agent  
 shall hereafter with the sanction of Government from time to time direct.  
 They shall also possess an appellate jurisdiction in suits tried by the subordi-  
 nate Courts up to the limits specified in the said Appendix.

4. Every suit shall be instituted in the Court of the lowest grade com-  
 petent to try it; but the Political Agent may transfer a suit from any Court  
 specified in Appendix A or B to any other Court specified in either Appendix  
 and competent, under Rule 2 or 3, to try it, or to his own Court; provided  
 that the following suits should ordinarily be considered political :—

- (i) Suits to which His Highness the Diwan of Pálanpur, His Highness  
 the Nawab of Rádhampur, the Thakors of Tharád and Wáo may  
 be a party.
- (ii) Cases affecting the interests of the tributary Chiefs of whatever  
 class, in regard to sovereign rights, jurisdiction, tribute or allied

payments; maintenance to the members of the Chief's family, compensation for injury done by outlaws or highway robbers (Waltar), territory, boundaries, political status or prerogative.

*Explanation.*—Claims for inheritance or partition of estates in the families of Chiefs, other than those specified in clause (i) above should ordinarily be heard as civil suits, but this does not include cases which raise the issue of a right of succession to a Chiefship to which jurisdictionary powers are attached, or an issue of inheritance to, or partition of, any estates in which a jurisdictional Chief or tribute-paying Tálukdar has an interest direct or indirect.

5. If the Assistant Political Agent considers that a suit, which has been filed as a political suit, should be heard as a civil suit or if the Assistant Political Agent, the District Deputy Assistant, Hazur Deputy Assistant or a Thandar considers that a suit which has been filed as a civil suit should be heard as a political suit, he should refer the case to the Political Agent for orders. Any party to a suit may apply to the Political Agent for an order that a political suit may be heard as a civil suit or *vice versa*.

6. Any proceeding pending in any Civil Court of the Agency in respect to any debt or liability of a Tálukdar whose estate is attached by the Political Agent on account of its being encumbered shall on the publication of the order of attachment, be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debt and liabilities shall be suspended, and so long as such attachment continues no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any such Court in respect of such debts and liabilities.

7. No suit for money against the proprietor of any estate assessed for Government or Gaekwar tribute or holding the position of a Talukdar shall be entertained without the formal permission of the Political Agent, and no decree of an Agency Civil Court in a money suit against the proprietor of such an estate shall have any force after the death of such landed proprietor unless the debt was incurred with the sanction of the Political Agent.

8. An appeal whether on a matter of law or fact shall lie from the decree of any of the subordinate Courts mentioned in Appendix A to such of the Courts of the Assistants to the Political Agent as the Political Agent may from time to time direct.

9. If the suit be of a nature cognizable in Courts of Small Causes and of a value not exceeding Rs. 500, the decision in appeal of the Court of the Assistant to the Political Agent shall be final.

10. In all suits relating to moveable property but not falling under Rule 9, and of a value not exceeding Rs. 1,000, if the Court of the Assistant to the Political Agent confirms the decree of the Subordinate Court, its decision shall be final.

11. In all suits in which the Court of the Assistant to the Political Agent reverses or modifies the decree of the subordinate Court, and in all suits relating to moveable property of a value exceeding Rs. 1,000 and in all suits relating to immoveable property or to any interest therein a second appeal on a matter of law shall lie to the Court of the Political Agent.

12. An appeal whether on a matter of law or fact shall lie from the original decree of a Court of an Assistant to the Political Agent to the Court of the Political Agent.

13. If the suit be of the nature cognizable in Courts of Small Causes and of a value not exceeding Rs. 1,000, the decision in appeal of the Court of the Political Agent shall be final.

14. In all suits relating to moveable property, but not falling under Rule 13, and of a value not exceeding Rs. 3,000 if the Court of the Political Agent confirms the decree of the Court of the Assistant Political Agent, its decision shall be final.

15. In all such suits in which the Court of the Political Agent reverses or modifies the decree of the Court of the Assistant Political Agent and in all suits relating to moveable property of a value exceeding Rs. 3,000 and in all suits relating to immoveable property or any interest therein a second appeal on a matter of law shall lie to the Governor in Council.

16. All applications or appeals preferred under Rule 15 to the Governor in Council shall be presented to the Political Agent in triplicate and shall be accompanied by authenticated copies of the judgments and decrees of the Lower Courts and by certified translations of any documents on which the suit has been brought or which may be relied on by the applicant within 90 (ninety) days from the date of the decree in respect of which the application or appeal is preferred, exclusive of the time taken up in obtaining copies in accordance with the rules laid down in Government Resolution No. 7233, dated 1st October 1900. In forwarding such applications and appeals the Political Agent shall certify whether they are barred by limitation or not.

17. The Political Agent shall not call upon respondent to submit a rejoinder to the appeal until it has been asked for by Government. If Government call for a rejoinder the Political Agent shall cause one copy of the special appeal to be served on the respondent with a notice requiring him of submit in duplicate to the Political Agent any reply he may wish to make

within 30 days from the service of such notice, provided that such time may be extended to 90 days at the discretion of the Political Agent.

18. The Political Agent is empowered to call for proceedings in non-appealable cases of the Courts of his Assistants and the subordinate Courts for revision and inspection and to prescribe forms of returns of civil work for each class of Court and when such returns are to be rendered.

19. Returns of the Assistants shall be examined by the Political Agent and those of subordinate Courts by the Assistant Political Agent who shall submit them with his remarks to the Political Agent for disposal.

20. In suits in the Courts of first instance and in the Appellate Courts of the Agency fees will be levied as per annexed Schedule (Appendix C).

21. No appeal or application to the Governor in Council will be received without payment in advance of fees prescribed below (unless the appellant shall have been authorized by the Political Agent to appeal *in forma pauperis*) :—

Where the value of the civil suit as computed in the Original Court—

Does not exceed Rs. 25, a fee shall be paid of Rs. 2

Exceeds Rs. 25, but not „ 50 „ „ „ 4

„ „ 50 „ 100 „ „ „ 8

„ „ 100 „ 150 „ „ „ 12

„ „ 150 „ 200 „ „ „ 16

and so on being at the rate of a fee of Rs. 4 for every Rs. 50 of value claimed up to the amount of Rs. 10,000. But in suits for recovery of a value greater than Rs. 10,000, the fee shall be calculated at the rate of 8 per cent. on each additional Rs. 100 or fraction of Rs. 100 above that limit.

#### APPENDIX A.

*List of the subordinate Courts of the Palanpur Agency referred to in Rule 2.*

No.	Name of Courts.	Limit of jurisdiction.
1	Kánkrej Thanadar's Court . . . . .	Rs. 500
2	Deodar „ „ . . . . .	500
3	Varáhi „ „ . . . . .	500
4	Santalpur „ „ . . . . .	500
5	Tharád Jamya Village „ . . . . .	500

## APPENDIX B.

*List of Courts of the Assistants to the Political Agent referred to in Rule 3.*

No.	Name of Court.	Limit of Original Jurisdiction.	Limit of Appellate Jurisdiction.
1	The Court of the Assistant Political Agent, Pálanpur.	No limit . . . . . Rs.	No limit . . . . . Rs.
2	The Court of the District Deputy Assistant to the Political Agent, Pálanpur.	5,000	1,000
3	The Court of the Huzur Deputy Assistant to the Political Agent, Pálanpur.	5,000	1,000

*Note.*—The jurisdiction of the District Deputy Assistant's Court is limited to the area comprised in the Thána Circles and Managed Estates. That of the Huzur Deputy Assistant's Court is limited to the area comprised in the estates of the Jurisdictional Tálukdárs, viz., Wágo Deodar, Bhorol, Jorawarkhanji of Varáhi and Thána.

## APPENDIX C.

## SCHEDULE OF COURT-FEES.

## Ad valorem fees.

[Not re-printed. It reproduces articles 1, 2, 4 (re-numbered 3), 5 (re-numbered 4), 12 (re-numbered 6), and \* 12 A (re-numbered 7), together with the *Table of rates of ad valorem fees leviable on the institution of suits*, from Schedule I to the Court-fees Act, 1870 (VII of 1870), except that the description in article 2 is:—

“Plaint or memorandum of appeal in a suit by a person dispossessed of immovable property otherwise than by due course of law, where the suit is brought within six months from dispossession and is for recovery of possession only without reference of title.”

It also inserts the following article in lieu of articles 6-9 in the Schedule to the Act:—

“5. Copy of translation of a judgment, order or decree or other paper in a suit (or from the records of the Agency Officers).	.....	One rupee as attestation fee together with two annas per 100 words or fraction of 100 words of English and one anna per 100 words or fraction of 100 words of Gujaráti as comparing fee and rupees two as searching fee for each year of which the Dafter is searched, if the number, date and other necessary particulars be not accurately specified in the application.”
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\* As it stood before amendment by Act VII of 1910.

*Fixed Fees.*<sup>1</sup>

[Schedule II of the Court-fees Act, 1870 (VII of 1870), was introduced in the Palanpur Agency, so far as it is applicable thereto, by the Resolution of the Bombay Government No. 2490, dated the 3rd April 1907, *supra* page 60.]

[*Bombay Government Gazette*, 1903, Pt. I, p. 790.]

Palanpur Agency  
Political Courts  
Rules, 1904.

No. 3312, dated the 21st May 1904.—In exercise of the power and jurisdiction delegated by Government of India, Foreign Department, notification No.<sup>2</sup> 2859-I. A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council in pleased, in supersession of all previous Rules on the subject, to prescribe with effect from 1st July 1904, the following Rules for defining the jurisdiction (original and appellate) to be exercised by the Courts of the Palanpur Agency and for regulating the right of appeal, limitation by time, and payment of Court-fees by parties in regard to political suits and appeals.

I.—COURTS.

The Courts of the Palanpur Agency which are empowered to hear and dispose of political suits or appeals are—

- (1) The Assistant Political Agent's Court.
- (2) The Political Agent's Court.

II.—JURISDICTION OF COURTS.

2. The following suits should ordinarily be considered political :—

(i) Suits to which His Highness the Diván of Palanpur, His Highness the Naváb of Rádhapur, the Thákór of Tharád and the Rána of Wáo may be a party.

(ii) Cases affecting the interests of the tributary Chiefs of whatever class in regard to sovereign rights, jurisdiction, tribute or allied payments, maintenance to the members of the Chief's family, compensation for injury done by outlaws or highway robbers (Waltar), territory, boundaries, political status or prerogative.

*Explanation* :—Claims for inheritance or partition of estates in the families of Chiefs, other than those specified in clause (i) above, should

<sup>1</sup> The following rule was separately made by notification No. 639, dated the 25th January 1906 :—

“The fee chargeable on appeals from orders under section 244 of the Civil Procedure Code (Act XIV of 1882) shall be limited to Rs. 2 in the case of an appeal when presented to an Agency Court for the exercise of its powers as a High Court and to eight annas in other cases.”

[*Bombay Government Gazette*, 1906, Pt. I, p. 108.]

<sup>2</sup> Printed in Appendix III.

ordinarily be heard as civil suits, but this does not include cases which raise the issue of a right of succession to a Chiefship, to which jurisdictionary powers are attached, or an issue of inheritance to, or partition of, any estates in which a jurisdictional Chief or tribute-paying Tálukdár has an interest, direct or indirect.

3. The Court of the Assistant Political Agent, Pálanpur, possesses an original jurisdiction in political suits of all descriptions without limit as to value.

4. Political suits should be filed in the Court of the Assistant Political Agent, Pálanpur (whose jurisdiction for such purpose extends in the whole Agency in which the cause of action arises as the lowest Court competent to try them), but the Political Agent may transfer a suit for trial from the Court of the Assistant Political Agent to his own Court if considered necessary.

5. If the Assistant Political Agent considers that a suit which has been filed as a political suit should be heard as a civil suit, he shall refer the question to the Political Agent, whose decision, subject to the general or special orders of Government, shall be final. Any party to suit may also apply to the Political Agent for an order that a political suit shall be heard as a civil suit.

### III.—APPEALS.

6. An appeal shall lie from the decision of the Assistant Political Agent's Court to the Court of the Political Agent, Pálanpur.

7. A further appeal shall lie to the Governor in Council in all political cases.

### IV.—LIMITATION.

#### A

#### *Appeals to the Political Agent, Pálanpur.*

8. The period for presenting appeals to the Court of the Political Agents from the decisions and orders of the Assistant Political Agent in political cases of which the matter in litigation is of a kind that would ordinarily form the subject of a civil suit or matter for orders by Civil Courts, shall be limited to sixty days with the same qualifications as to the calculation of the period as apply to ordinary civil cases.

9. Where such questions as sovereignty, jurisdiction, tribute, territory, political status or prerogative are involved, a period of four months will be allowed, with such further extension in any case as, in the judgment of the Political Agent, may appear just and reasonable.

IV.—LIMITATION—*contd.**Appeals to Government.*

10. The period for presenting appeals to Government from the decisions of the Political Agent in political cases, of which the matter of complaint is either of an administrative or miscellaneous nature or of a kind which would ordinarily form the subject of a civil suit or matter for orders of Civil Court as between private individuals, shall be ninety days with the same qualifications as to the calculation of the period as apply to ordinary civil cases. All applications to Government for review of a decision by Government shall be governed by a like limitation.

11. Where such questions as sovereignty, jurisdiction, tribute, territory political status or prerogative are involved, a period of six months will be allowed for the presentation of an appeal against the decision of the Political Agent, but the appellant must obtain a certificate from the Political Agent within thirty days of receipt of his decision that the case is of a nature which entitles it to this extended period of limitation.

*N.B.*—It must be borne in mind that while periods to limit the right of appeal in political cases are prescribed so to bind the parties, the Governor in Council reserves discretion to direct at any time further enquiry in any political case or matter if it appears to him that there are good grounds for doing so.

## V.—MANNER OF SUBMITTING APPEALS AND REJOINDERS.

12. Appeals to the Governor in Council shall be submitted to the Political Agent in triplicate, accompanied by authenticated copies of the judgments and decrees of both the lower Courts and by certified translations of any documents on which the suit has been brought or which may be relied on in appeal.

13. The Political Agent shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by Government. If Government call for a rejoinder the Political Agent shall cause one copy of the special appeal to be served on the respondent with a notice requiring him to submit in duplicate to the Political Agent any reply he may wish to make within thirty days from the service of such notice provided that such time may be extended to ninety days in all at the discretion of the Political Agent.



## VI.—COURT-FEES.

14. No Court-fee for the institution or filing of political suits or appeals or applications at any stage of the proceedings connected therewith shall be levied from the parties concerned :

Provided that when—

- (a) the suit is brought by any unprivileged person whose claim is rejected or otherwise fails, and
- (b) the Court which passes the final decision considers that such claim was false and vexatious or that there was no reasonable or probable ground for the same :

such Court may order the recovery from such unprivileged person of Court-fees for the institution of the suit at the rates which would be leviable under the scale of the fees for the time being in force under the Agency Civil Court Rules.

[*Bombay Government Gazette*, 1904, Pt. I, p. 673.]

No. 358, dated the 6th July 1904.—The accompanying rules for the Palanpur Agency Arms Rules, 1904, control of arms and ammunition in the Thana Circles and petty jurisdictional States, approved by Government, are published for information and guidance of all concerned.

2. The Rules shall come into force with effect from 1st August 1904.

*Rules for the regulation of the manufacture, conversion, sale, import, export, transport and possession of arms, ammunition and military stores in the Thana Circles, and petty jurisdictional Talukas of the Palanpur Political Agency.*

## I.—PRELIMINARY.

Application.

1. These rules shall apply to:—

(a) All Thana Circles of the Palanpur Political Agency and the petty jurisdictional States subordinate thereto ;

(b) All railways now existing or which may hereafter be constructed in the Palanpur Agency within the limits (including the lands occupied, for stations, outbuildings, or other railway purposes) over which full criminal jurisdiction has been or shall be assigned to the British Government, and

Commencement.

shall come into force from such date<sup>1</sup> as may be notified by the Political Agent from which

date all other existing orders, notifications, rules or regulations on the same

<sup>1</sup> The 1st August 1904—*vide supra*.

subject in force shall be repealed<sup>1</sup> provided that all continuing authorities, permissions, licenses and exemptions in existence on the said date, which are in accordance with these rules, shall be held to have been granted and issued under these rules.

2. In these rules "cannon" includes also all howitzers, mortars, wall-pieces, mitrailleuses and other ordnance and machine guns, all parts of the same and all carriages, platforms and appliances for mounting, transporting and serving the same.

"Arms" includes fire-arms, bayonets, swords and daggers, also cannon and parts of arms and machinery for the manufacture or repairs of arms or portion of arms.

"Ammunition or Military Stores" include also all articles specially designed for torpedo service and sub-marine, mining, rockets, guncotton, dynamite, lithofracteur, and other explosive or fulminating material, gunflints, gunwads, percussion caps, fuses and friction tubes, all parts of ammunition, and all machinery for manufacturing ammunition and includes sulphur in quantity more than 10 lbs. weight, leaden bird shot and bullets when possessed in quantities exceeding one hundredweight at any one time, but not lead or saltpetre.

"Import" means transmission from any place beyond to any place within the limits to which these rules apply.

"Export" means transmission from any one place within to any place beyond the limits to which these rules apply.

"Transport" means transmission through the limits to which these rules apply from and to places to which they do not apply.

"License" means a license granted under these rules or by competent authority under the Indian Arms Act.

"Pass" means a written permission granted to transport under these rules arms, ammunition or military stores not covered by a license.

"Parvana" means a permit to possess or carry arms.

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<sup>1</sup> *E.g.* the rules contained in the notification of the Government of India in the Foreign Department, No. 3573-I., dated the 29th October 1895, as amended by the like notification No. 1505-I., dated the 8th May 1896, in so far as they related to the Palanpur-Deesa Railway and the length of the Rajputana-Malwa (Western Rajputana State) Railway in Palanpur but not the length in Baroda, as no powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, have been delegated to the Governor of Bombay in Council in respect to the latter. Both on the Palanpur-Deesa Railway and the Rajputana-Malwa Railway in Baroda and Palanpur the Indian Arms Act 1878, has been introduced by notification No. 779-I.B., dated the 9th April 1913. Printed Vol. V p. 89.

## II. MANUFACTURE, CONVERSION AND SALE.

3. No person shall manufacture, convert, repair or sell or keep, offer or expose for sale any arms, ammunition or military stores except under a license granted under these rules in the manner and to the extent permitted thereby. But nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses *bona fide* for his own private use to any person who is not prohibited from possessing the same, provided always that no such sale shall be effected until the permission of the Political Agent has been obtained.

4. Licenses to manufacture or convert arms or manufacture ammunition may be granted by the Political Agent. But such manufacture or conversion shall be restricted to the limits of the Thana Headquarters Stations and shall on no account be permitted in any other place.

5. Licenses to repair or sell or keep, offer or expose for sale arms or ammunition may be granted by the Political Agent. But such sale or repair shall be restricted to the limits of the Agency Thana Headquarters only.

These licenses shall be in the forms annexed to these rules.

6. No person shall manufacture or keep in his possession or sell more than 10 lbs. of sulphur at a time except under a license granted by the Deputy Assistant Political Agent concerned.

7. Every holder of a license under Rules 4, 5 and 6 shall keep a correct and true register in the form annexed, Appendix B, and shall show in it correctly all stocks, manufacture and receipts, and all sales of arms and ammunition or sulphur in his possession. He shall exhibit this register when called upon to do so to any Magistrate or to any Police officer not below the rank of a Chief Constable.

8. Any Magistrate or Police officer not below the rank of a Chief Constable may at all reasonable times enter and inspect the premises of any person licensed to manufacture, convert, repair, sell or keep arms, ammunition or sulphur under these rules, and every such person shall be bound to exhibit the entire stock of arms, ammunition or sulphur in his possession or under his control and all accounts and records relating thereto.

*Palampur Agency.*  
Local Regulations.

9. Every person licensed to manufacture, convert, repair or sell arms, ammunition or sulphur under these rules shall affix a board on a conspicuous part of his shop or usual place of business and shall cause to be painted thereon in large letters in English and Gujarati his name and the words "Licensed to manufacture" or "Licensed to deal in arms, ammunition and sulphur."

10. The Political Agent or the Deputy Assistant Political Agent may at any time, for reasons to be recorded in writing, cancel or suspend the license of any manufacturer or vendor under these rules.

11. No manufacturer or licensed vendor shall sell arms or ammunition except sulphur in reasonable quantities not exceeding 10 lbs. in weight for medical purposes without the written permission of the Deputy Assistant Political Agent to any person not in possession of a Parvana of one of the kinds hereinafter set forth in Rule 23, and then only to such limited amount as may be sanctioned by the Deputy Assistant Political Agent.

### III. IMPORT, EXPORT AND TRANSPORT.

12. All importation of arms, ammunition or military stores from places beyond the Palampur Agency is forbidden except under a license granted by the Political Agent or by competent authority in British India under the provisions of the Indian Arms Act.

13. All importation of arms, ammunition or military stores from places within the Palampur Agency but beyond the limits to which these rules apply is forbidden except under a license granted by the Political Agent.

14. Arms, ammunition or military stores imported by rail shall not be delivered to any importer or consignee unless

- (a) the importer or consignee produces the original license issued by competent authority authorising the import,
- (b) the senior Police Officer at the Station to which the consignment is consigned as compared the consignment with the license and authorized the Station Master to make delivery.

For the purpose of making the comparison required by clause (b) the Police Officer shall have the power to open any package which he thinks suspicious.

15. Every Station Master shall give information to the Officer mentioned in clause (b) of the preceding rule of the arrival at his station of any consignment of imported arms, ammunition or military stores.

Duty of Station Master.

16. All exportation of arms, ammunition or military stores to places beyond the Palampur Agency is forbidden except under a license granted by the Political Agent.

Unlicensed exportation to places beyond the Palampur Agency prohibited.

17. All exportation of arms, ammunition or military stores to places within the Palampur Agency but beyond the limits to which these rules apply is forbidden except under a license granted by the Political Agent.

Unlicensed exportation to other places within the Palampur Agency prohibited.

18. All transport of arms, ammunition or military stores through the limits to which these rules apply from and to places to which they do not apply not otherwise covered by a license is forbidden except under a pass granted by the Political Agent.

Transportation without a license or pass prohibited.

19. All Station Masters to whom arms, ammunition or military stores are tendered for despatch unaccompanied by evidence of licenses being granted as per Rules 16, 17 and 18 shall detain them and report the matter through the Railway Police for the orders of the Political Agent through the Deputy Assistant Political Agent.

Export and transport by rail.

20. Every person employed upon a Railway shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be bound to give information to the nearest Police Officer regarding any box, packet or bale in transit which he has reason to believe contains stores in respect of which an offence against these rules has been or is being committed.

Obligation of railway employés to give information.

21. Similarly it shall be the duty of all revenue and village officers to report to the nearest Police Officer any information he may obtain, or any reasonable suspicion he may entertain concerning the import, export or transport of any arms, ammunition or military stores in contravention of the provisions of these rules.

Obligation of revenue and village officers to give information.

#### IV. GOING ARMED AND POSSESSING ARMS, ETC.

22. No person except those specified in Schedule A hereto annexed and to the extent therein defined shall possess or carry arms or ammunition except under a Parvana as hereinafter provided.

Going armed or possessing arms without a Parvana prohibited except to persons exempted.

Kinds of Parvana.

23. Parvanas are of four kinds:—

(a) Green, which entitle the holder to possess arms and to carry and use them within the limits of the Taluka of which he is a resident.

(b) Red, or temporary passes, which entitle the holder to carry arms in any part of the Palanpur Agency to which these rules apply, or any specified part thereof for a limited period only not exceeding one year.

(c) Yellow, or permanent passes which may be issued to Police Patels, Pasaitas, petty Talukdars, Mulgirasais, Kamdars, and other personal followers of Talukdars as well as to other persons of position and approved loyalty and which entitle the holder to carry arms in any part of the Palanpur Agency.

(d) Brass badges, to be worn round the waist when on duty with arms, to be issued the discretion of the Deputy Assistant Political Agents to Pasaitas and inferior village police who are required to bear arms for the performance of their duties.

Note.—There should be yellow passes in addition to badges.

24. (a) Parvanas described in Rule 23 may be applied for from the Deputy Assistant Political Agents direct or through the Thandar, Talukdar or Chief Constable.

Application for and issue of Parvanas.

(b) The Deputy Assistant Political Agents shall have full power to grant or withhold a Parvana at their discretion and shall communicate their order to the Superintendent of the Agency Police and the Thandar or Talukdar in whose limits the applicant resides.

(c) Application for badges as defined in Rule 23 (d) shall be made by the Talukdar or Thandar in whose jurisdictional limits the police in question perform their duties to the Deputy Assistant Political Agents who may either grant or for reasons to be recorded by them withhold them altogether or grant only a portion of those asked for.

25. If any person to whom a Parvana of any of the kinds specified in Rule 23 has been issued lose such Parvana he shall at once report the fact to the Thandar or other Magistrate or the Talukdar, as the case may be within whose jurisdiction he resides. The officer to whom such report has been made shall detain the arm or arms comprised in the last Parvana pending production by the owner of a fresh Parvana. If a fresh Parvana is not produced within 12

Loss of Parvana to be reported.

months after the date of the loss of original Parvana, the arms so detained shall be forfeited.

26. If any arms or ammunition for which a person holds a Parvana

Duty of holder of Parvana if arms granted under these rules shall in any manner pass out of his possession.

ner pass out of his possession he shall at once give notice of the fact to the Thandar or other Magistrate or the Talukdar and get his Parvana cancelled or altered as may be necessary.

27. (a) A copy of the register of the Parvana granted in each village

Duty of officers to enforce rules. and of arms in possession of persons residing in the said villages and exempted from the

operation of these rules under Rule 22 shall be kept by the Police patel, and it shall be his duty and the duty of all police officers (not lower in rank than Head Constables) to report any cases which come to their notice in which the arms mentioned in the said register are not in the possession of the Parvana holders, or that persons are in possession of arms or ammunition without a Parvana, or generally cases in which the provisions of these rules have been infringed.

(b) A copy of the register of Parvanas granted to residents of Thana Circles and petty Taluks or railway limits shall be kept by the Inspector of Agency Police and the Inspectors of the Railway Police concerned, and it shall be their duty to report any cases which come to their notice in which the arms mentioned in the said register are not in the possession of the Parvanaholders, or that persons not specially exempted are in possession of arms or ammunition without a Parvana, or generally cases in which the provisions of these rules have been infringed.

#### V. PENALTIES.

For breach of Rules 3 to 5,  
7 to 9, 11 to 13, 16 to 18, 22 & 23.

28. Whoever commits any of the following offences, namely :—

(a) Manufactures, converts, repairs, sells or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provision of Rule 3, or breaks any of the conditions of a license granted under Rule 4 or 5 : or

(b) Intentionally makes any false entry in the register which by Rule 7 he is required to keep : or

(c) Intentionally fails, or refuses to exhibit anything which by Rule 7 or 8 he is required to exhibit, or to keep a board affixed to his premises as required by Rule 9 : or

- (d) Sells arms or ammunition in contravention of Rule 11 : or
- (e) Imports, exports, or transports, any arms, ammunition or military stores in contravention of the provisions of Rules 12, 13, 16, 17 or 18 : or
- (f) Possesses or carries or has under his control arms or ammunition in contravention of Rule 22 or 23 : or
- (g) Allows any arms or ammunition for which he holds a Parvana to pass out of his possession in a manner which creates a reasonable suspicion as to his *bond fide* :

shall be liable, on conviction before a Magistrate of not lower than the second class, to imprisonment for a term which may extend to three years, or to fine which may extend to one thousand rupees, or to both, and the arms, ammunition or military stores in respect of which the offence may have been committed, as also any cart or baggage animal used to convey the same shall be liable to confiscation.

29. Whoever omits to report the loss of a Parvana as required by Rule 25, or to report the loss of any arms or ammunition as required by Rule 26, shall be liable on conviction before any Magistrate or jurisdictional Talukdar to a fine which may extend to ten rupees, and the renewal of his Parvana may be withheld for a term which may extend to one year.

30. Any person violating any of these rules, for the violation of which no penalty is provided by these rules, shall be liable, on conviction before any Magistrate to imprisonment for a term which may extend to one month, or to fine which may extend to two hundred rupees or to both.

## VI. MISCELLANEOUS.

31. Whenever any Magistrate has reason to believe that any unlicensed person has in his possession for sale arms or ammunition or is keeping upon his premises without permission more than 40 lbs. of sulphur, he may after recording in writing the grounds of his belief cause a search to be made of the house or premises in which he believes such arms, ammunition or sulphur are and if found may seize and confiscate them.

32. If any person is importing or exporting arms, ammunition or military stores without license, or is transporting them without a pass, or is in possession of arms or ammunition without a Parvana in violation of these rules such arms, ammunition or military stores may be seized by any person acting under their orders.



33. (a) The Magistrate who has tried the case or any other Magistrate to whom he is subordinate may award up to one-half the amount of any fine inflicted under these rules and up to one-half the sale price of any confiscated articles sold under these rules to any person who has given information leading to a conviction.

(b) Cases in which no fine is inflicted or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Political Agent by or through the Deputy Assistant Political Agents.

34. No prosecution under these rules shall be instituted except under the orders or with the sanction of the Deputy Assistant Political Agents.

35. The Political Agent may from time to time by notification make rules not inconsistent with these rules to determine the forms in which and the terms and conditions on and subject to which any license, pass or Parvana shall be granted under these rules and may by such rules among other things

(a) Fix the period for which licenses, passes or Parvanas shall continue in force.

(b) Fix the fee payable by stamp or otherwise for the said licenses, passes or Parvanas.

(c) Direct the holder of the license to keep a record or account in a prescribed form, and exhibit the same when called upon by an officer of Government to do so.

(d) Direct him to produce or account for the arms and ammunition when called upon to do so.

36. Nothing contained in these rules shall be deemed to affect any orders or notifications published under the authority of the Bombay Government, which are at present in force or which may hereafter be brought in force on this subject.

#### SCHEDULE A.

List of persons or classes of persons exempted from the operation of the prohibition contained in Rule 22 of the Rules in the Palanpur Agency relating to arms and ammunition, other than those referring to cannon, articles designed for torpedo service, war rockets, and machinery for the manufacture of arms and ammunition.

(1) All persons who if in British India would be exempt from the operation of the Indians Arms Act.

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Local Regulations.

- (2) All Magistrates and officers of and above the rank of a Thandar.
- (3) All Jurisdictional and non-Jurisdictional Talukdars of the Palanpur Agency who either pay tribute or administrative charges.
- (4) Any land-holders, and pother ersons of approved loyalty and good position who are specially exempted by the Political Agent from time to time.
- (5) All travellers carrying arms or ammunition so far as their arms or ammunition may be covered by a permit in due form signed by a duly qualified British Officer.

## FORM I.

(Name of person) is authorised to transport the undermentioned articles, arms or ammunition (as the case may be)

from (place) to (place) within the limits of the Thana Circles of This license will hold good from (date) to (date).

The articles covered by this license will be delivered only to persons lawfully entitled to possess the same.

The license must be delivered to the Police Patel of the village to which the articles are consigned, and where there is a resident Magistrate the license must be delivered to him.

## FORM II.

License to export Arms, Ammunition or Military Stores under Rule ( ) of the Arms Regulations for the Thana Circles and Petty Jurisdictional Talukas of Palanpur Agency.

Name, etc., of license-holder and agent, if any.	Number of packages.	Arms.		Ammunition or Military Stores.		Place of despatch and route.	Purpose for which consignment is required.	Destination.	Name and residence of consignee	Period for which license is valid.
		Description.	Number.	Weight or number.	Weight or number.					

(Signature of)

Officer granting the license. Dated

the 190

This license is valid only for  
named therein.

period and the route

It becomes invalid if bulk is broken at any place on the journey.

The contents of each package covered by the license shall be described in legible characters on the outside of such package.

### FORM III.

License to manufacture, convert or sell or keep Arms, Ammunition and Military Stores.

Name, etc., of license-holder and place of residence.	Place of business, factory and shop.	DESCRIPTION OF ARMS.		DESCRIPTION OF AMMUNI- TION OR MILITARY STORES.		Date on which license expires.
		To be manufac- tured.	To be kept and sold.	To be manufac- tured.	To be kept and sold.	

(Signature of)

Officer granting the license.

This license is given subject to the provisions of the Arms Regulations for the Thana Circles and Petty Jurisdictional Talukas of the Palanpur Agency.

The license-holder shall keep records and accounts of all arms made or converted, of all ammunition manufactured, of all stocks in hand, and of all sales in such form as the State authorities may from time to time direct.

The license-holder shall affix to his shop or place of business a sign-board as required by rules.

The license-holder shall at the time of the purchase endorse upon the license of every purchaser holding a license under Form II the following particulars :—

- (1) The name and address of the person who takes delivery of the articles sold.
- (2) The nature and amount of the articles sold.
- (3) The date of sale.

And shall append his signature to the endorsement.

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Local Regulations.

*License to keep Arms at Home.*

Number.	Name.	Age.	Caste.	Inhabitant of.	Description of his person.	Date.	PARTICULARS OF ARMS.							REMARKS.			
							Country made.	English.	Gun.	Sword.	Dagger.	Knife.	Lance.		Pistol.	Gyfti.	

Date 190 .

Signature.

*License to wear Arms given by the*

Number.	Name of the person to whom license is given.	Age.	Caste.	Profession.	Inhabitant of	Description of person.	Purpose for which license is given.	From date to date.	From place to place.	Particulars of arms.	REMARKS.

Date 190

Signature.

*License to wear Arms.*

Number.	Name of the person to whom license is given.	Age.	Caste.	Inhabitant of	Description of person.	Date.	Particulars of arms.

Date 190

Signature.

[ Agency notification.]

No. 6359, dated the 17th September 1906.—His Excellency the Governor in Council is pleased to direct that effect shall be given to the following rules in all Political Agencies of the Bombay Presidency :—

Rules for refund of value, or exchange of Court-fee stamps and labels.

1. (a) When any person is possessed of impressed Court-fee stamps for which he has no immediate use or which have been spoiled or rendered unfit or useless for the purpose intended, or
- (b) when any person is possessed of two or more (or in the case of denominations below Rs. 5, 4 or more) Court-fee adhesive labels which have never been detached from each other and for which he has no immediate use, the Political Agent shall, on application, repay to him the value of such stamps or labels in money, deducting one anna in the rupee, upon such person delivering up the same to be cancelled and proving to the Political Agent's satisfaction that they were purchased by him with a *bond fide* intention to use them, that he has paid the full price thereof and that they were so purchased, or in the case of impressed Court-fee stamps so purchased, spoiled or rendered useless, within the period of six months preceding the date on which they are so delivered.

2. When a licensed vendor surrenders his license or dies, the Political Agent may, at his discretion, if he considers that the circumstances justify the application, repay to him or his representatives, as the case may be, the values of stamps and labels not spoiled or rendered unfit for use, returned into the Political Agent's store, deducting one anna in the rupee; or he may issue stamps and labels of other value in exchange, provided that in the case of adhesive Court-fee labels their value may not be refunded nor stamps and labels of other values issued in exchange unless in cases where the value of each label is not less than Rs. 5 there are at least two such labels which have never been detached from each other; and in cases where the value of each label is less than Rs. 5 unless there are at least four such labels which have never been detached from each other.

[Bombay Government Gazette, 1906, Pt. I, p. 1209.]

No. 7280, dated the 25th October 1906.—The Governor in Council is pleased to direct that where an Agency Court acting on the Civil side is under the necessity of preparing a proclamation of a sale, the proclamation should be prepared in the Form A annexed to this Circular.

Form of sale proclamation to be used by Agency Civil Courts.

If, in the case of a Hindu judgment-debtor, it is desired to sell the interest of any other member of the family (e.g., that of a minor son or

FORM A—PROCLAMATION OF SALE.

ORIGINAL SUIT No. OF

in the Court of  
in the Court of  
Defendant.

\* This to be expressed in accordance with the decree in course of execution, the said \_\_\_\_\_, unto the said \_\_\_\_\_, and of a warrant, dated the \_\_\_\_\_ day of \_\_\_\_\_, for giving effect to the said decree by sale of property, notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock A.M. A B of this Court (or other person appointed) will at \_\_\_\_\_ in \_\_\_\_\_ sell by auction to the highest bidder and without reserve the right, title and interest of the said \_\_\_\_\_ in the several articles of moveable and immoveable property hereunder specified :—

### *Moveable Property.*

1	2	3	4	5	6
Lot number.	Number and description of articles.	Where attached.	Where now placed.	When to be viewed.	Whether any claim has been set up to the lot [included in the annexed list (Form B) with a reference thereto].

## Immoveable Property.

Palampur Agency.  
Local Regulations.

1	2	3	4	5	6	7	8
Lot number.	Description of lot, including local situation, supposed or estimated rent or annual value, and, if leased, for how long, on what terms, and to whom.	Survey number, municipal number or other fiscal designation.	Government revenue including local cess, any other known fiscal charge resting on the lot.	Present occupant, if known.	Mortgage or lien subject to which attachment has been continued and sale is to be made under sections 282 and 295 of the Code of Civil Procedure.	Right charges and claims to which the lot is supposed to be liable after enquiry under section 287 of the Code of Civil Procedure with reference to annexed list.	List of claims to raise attachment rejected wholly or in part under section 278 of the Code of Civil Procedure.

## FORM B.

1	2	3	4	5	6	7	8	9	10
Name of claimant.	Numbers of lots and description of property attached, in which an interest is claimed.	Nature and amount or money value of claim.	Documents, if any, by which such claim is supported. ( <i>Note</i> .—In this column are to be entered the names of persons by whom and in whose favour each document was executed, and the amount of any sum as a charge, or as mortgage money, or consideration, set forth in the document.)	Date of execution and of registration of each document. ( <i>Note</i> .—As to the documents which have not been registered a remark to that effect is to be entered in this column.)	Whether the claim advanced, or any, and what part thereof, is admitted or denied by the judgment-debtor and by the judgment creditor.	Documents adduced by judgment-debtor with reference to said claim.	Date of execution and registration of the same.	Documents adduced by judgment-creditor with reference to such claim.	Dates of execution and registration of the same.

[ Resolution of the Bombay Government.]

<sup>1</sup> Opium Regulations, No. 3040, dated the 26th April 1909.—<sup>1</sup> Opium Regulations for adoption in the

*Thána Circles of the Pálanpur Agency including the petty Jurisdictional Talukas, and the States of Tharád and Wáo.*

Opium includes also green poppy heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy.

The words "Thána Circles" include also the petty Jurisdictional Talukas of Wáráhi, the Thara and Deodar Estates, and Santalpur (Gadsai).

2. The cultivation of the poppy or the manufacture of the opium within the Thána Circles is prohibited.

3. The import of opium from any place outside the Thána Circles limits is prohibited except under a pass signed by the Political Agent.

4. The export of opium to any place outside the Thána Circles limits is prohibited except under a pass granted and signed by the Political Agent.

5. The transport from one place to another within the Thána Circles limits of any quantity of opium exceeding in weight such maximum quantity as the Political Agent may from time to time prescribe is prohibited except under cover of a permit granted by a duly authorised officer such as the Assistant Political Agent, the Deputy Assistants, the Thandars, and petty Jurisdictional Talukdars within their own Khalsa villages.

6. Except as provided in clauses 7 and 8, (i) no person shall have in his possession any opium other than opium purchased from a farmer or licensed vendor, (ii) no person, not being a farmer or licensed vendor, shall have in his possession more than such maximum quantity of opium as the Political Agent may prescribe.

7. Clause 6 does not apply to—

- (i) opium in transit covered by a permit under clause 5,
- (ii) opium imported according to rule during transit to its destination.

8. There may be granted (a) to any medical practitioner a license for the possession of opium for medical purposes only, (b) to any person a special permit authorizing him for a specified period to have in his possession for private consumption only a specified quantity of opium in excess of such maximum quantity as the Political Agency may prescribe.

9. No person shall sell opium without a license to this effect, provided that any medical practitioner to whom a license has been granted under clause 8 may sell opium in quantities not exceeding in any one transaction such

<sup>1</sup> By Resolution 755, dated the 4th October 1911, officers of the Salt Department have been granted throughout the Agency except in the Palanpur State, the same powers with regard to the smuggling of opium as they possess (*vide supra*, p. 62) with regard to Salt offences.



maximum quantity as the Political Agent may prescribe, as medicine or in medical preparations.

10. No person shall sell opium exceeding such maximum quantity as the Political Agent may prescribe to any person not legally authorized to possess the same.

11. No licensed vendor shall sell more than such maximum quantity as the Political Agent may prescribe of the inspissated juice of the poppy, or of any preparation or admixture thereof or of any intoxicating drug prepared from the poppy or more than 5 seers of green poppy heads except to a licensed vendor or farmer or to a medical practitioner, or other person holding a special permit granted by the Political Agent under clause 8.

12. Licenses for the sale of opium in the Thána Circles proper shall be granted by the Political Agent and in the petty Jurisdictional Talukas by the Talukdars and the licenses shall contain such conditions as the Political Agent may from time to time point out to be necessary to protect the British opium revenue.

13. Licenses for sale shall be granted for one year only ; or the right to sell opium may be farmed for a period not exceeding five years.

14. Any person who in contravention of these regulations (a) cultivates the poppy, (b) manufactures opium, (c) possesses opium, (d) transports opium, (e) imports or exports opium, (f) or sells opium, (g) and any person who otherwise contravenes such regulations shall, on conviction before any officer duly authorised by the Political Agent, be punished for each such offence with imprisonment, either simple or rigorous, for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both ; and where a fine is imposed the convicting officer shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall be either simple or rigorous and in excess of any other imprisonment to which he may have been sentenced.

15. In prosecutions under the preceding clause it shall be presumed, until the contrary is proved, that all opium, for which the accused person is unable to account satisfactorily, is opium in respect of which he has committed an offence under these regulations.

16. In any case in which an offence under clause 14 has been committed—

- (a) the poppy so cultivated,
- (b) the opium in respect of which any offence under the same clause has been committed,
- (c) where in the case of an offence under head (d) or (e) of the same clause the offender is transporting, importing, or exporting any

opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, exporting or importing,

(d) where in the case of an offence under clause (f) of the same clause the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation.

The vessels, packages and coverings in which any opium liable to confiscation under this clause is found and the other contents (if any) of the vessel or packages in which such opium may be concealed and the animals or the conveyances used in carrying it shall likewise be liable to confiscation.

17. When the offender is convicted or when the person charged with an offence in respect of any opium is acquitted but the officer trying the case decides that the opium is liable to confiscation, such confiscation may be ordered by him. When an offence against these regulations has been committed but the offender is not known or cannot be found or when opium not in the possession of any person cannot be satisfactorily accounted for, any authorised officer may, after due inquiry, order the confiscation of such opium.

18. Opium confiscated under the regulations shall be forwarded to the Political Agent or Depôt, with a list of rewards that may be ordered to be awarded under clause 19. The Political Agent, after deducting from the sale-proceeds thereof the amount of pass fee due on the quantity of opium and paying off the rewards to the persons concerned will make over the balance (if any) in the case of the non-Jurisdictional Talukdars to the General Fund, in the case of the Jurisdictional Talukdars to the Talukdars concerned. All other articles so confiscated shall be disposed of as the Political Agent may order.

19. Any authorised officer convicting an offender under clause 14, or ordering the confiscation of opium under clause 16 of these regulations, may grant, in such proportions as he thinks fit, to informers and any other persons who have contributed to the seizure of the opium or the conviction of the offender, a reward not exceeding the value of the opium and other articles confiscated in the case plus the amount of any fine imposed. In all cases, except when otherwise expressly ordered by the Political Agent at least one-half the value of the opium and other articles confiscated plus the fine realized shall be distributed as rewards among the informers and captors concerned.

20. Any authorised officer (*viz.*, the Thandars and the Police officers not lower in rank than Chief Constables) may (a) at any time enter upon and search any premises on which he has reason to believe opium liable to

confiscation under these regulations is manufactured, kept or concealed, and to seize any such opium and all materials used in the manufacture thereof; (b) detain, search and arrest any person whom he has reason to believe to be guilty of any offence relating to such opium; (c) seize in any open place or in transit any opium or other thing which he has reason to believe to be liable to confiscation under clause 16 of these regulations.

21. Any Agency or Government officer who without reasonable ground of suspicion enters or searches or causes to be entered or searched any building, vessel or place,

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other things liable to confiscation under these regulations,

or vexatiously and unnecessarily detains, searches or arrests any person, shall for every such offence be punished with fine not exceeding Rs. 500.

22. Any authorized officer may issue his warrant for the arrest of any person whom he has reason to believe to have committed a breach of these regulations relating to opium or for the search of any premises in which he has reason to believe opium liable to confiscation is kept or concealed.

23. The subsequent procedure in regard to persons arrested and seizures made shall be in accordance with that generally in force for criminal purposes within the Agency.

24. Cases under these regulations shall be tried by Magistrates not lower than the rank of First Class Magistrates in the Agency.

[*Resolution of the Bombay Government.*]

No. 3825, dated the 7th June 1911.—In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department, notification <sup>Registration Rules, 1911.</sup> No. 2859-I.A., dated the 19th June 1903, and all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous rules and orders on the subject, to prescribe the following rules for the registration of documents in the Palanpur Agency :—

1. These rules shall come into force from the 1st of January 1912.

2. In these rules the term “immovable property” includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass. The term “movable property” includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description except immovable property.

3. The Assistant Political Agent and the two Deputy Assistant Political Agents shall be Registrars in the Palanpur Agency up to their civil powers and the Thandars and petty Jurisdictional Talukdars shall be Sub-Registrars up to their civil powers within their respective Thana Circles and petty Estates.

4. The following documents shall be registered :—

- (1) instruments of gifts of immovable property ;
- (2) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish whether in present or in future any right, title or interest, whether vested or contingent, of the value of Rs. 100 and upwards, to or in immovable property ;
- (3) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest ; and
- (4) leases of immovable property from year to year or for any time exceeding one year or reserving a yearly rent.

5. Any of the undermentioned documents may be registered :—

- (1) instruments which purport or create, declare, assign, limit, or extinguish, whether in present or in future, any right, title or interest whether vested or contingent of a value less than Rs. 100 to or in immovable property ;
- (2) instruments acknowledging receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest ;
- (3) leases of immovable property for any term not exceeding one year ;
- (4) awards relating to immovable property ;
- (5) instruments which purport or operate to create, declare, assign, limit or extinguish any right, title to or in movable property ;
- (6) acknowledgments, agreements, articles of partnership, assignments, awards, bills of exchange, bills of sale, bonds, composition-deeds, contracts, grants, instruments of dissolution of partnership, instruments of partition, powers-of-attorney, promissory notes, releases, settlements, writings of divorcement, wills and all other documents not hereinbefore mentioned.

6. The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure, or alteration appears, unless the persons executing the document attest them with their

signature or initials. If he registers such document, he shall, at the time of registering the same, make a note in the register of such blank or alteration.

7. No document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same. Houses in towns shall be described as situate on the north or other side of the street to which they front, other houses and lands shall be described by their names, if any, situation, area and the roads and other properties on which they abut. If the description is sufficient to identify the property, the document may be registered.

8. No document shall be accepted for registration unless presented for the purpose to the proper Officer within 6 months from the date of execution. Provided that where there are several persons executing a document at different times, such document may be presented for registration within 6 months from the date of each execution. If owing to urgent necessity or unavoidable accident any document is not presented for registration within the above period, the Registering Officer in cases where the delay does not exceed 6 months, may direct that on payment of a fine not exceeding ten times the proper registration fee, the document shall be registered.

9. Every document mentioned above shall be presented for registration in the Office of the Registrar within whose District the whole or some portion of the property is situate. The District Deputy Assistant Political Agent shall register those for Thana Circles and Japti Estates over and above the powers of the Thandars who shall register the documents of their respective Thanans within the powers conferred on them. The Huzur Deputy Assistant Political Agent shall register those for petty Jurisdictional Talukas under him. The Assistant Political Agent shall register all documents exceeding the powers of the two Deputies.

Documents not relating to immovable property may be presented either before the Registrar or where a Sub-Registrar shall be so empowered, before the Sub-Registrar.

10. Every document to be registered under these rules shall be presented at the proper Registration Office by persons executing and claiming under the same or by their representative and assign.

11. The Registering Officer shall thereupon inquire whether or not such a document was executed by the persons by whom it purports to have been executed, satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and in the case of any person appearing as representative or assign, satisfy himself of the right of such persons so to appear.

12. If all the persons executing the document appear personally before the Registering Officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all or their representatives admit the execution of the document, the Registering Officer shall register the document.

13. If all or any of the persons by whom the document purports to be executed deny its execution or if any such person appears to be a minor, an idiot or a lunatic, or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the Registering Officer shall refuse to register the document and give a written reply to the party applying for registration stating his reasons for making this refusal.

14. Any person claiming under the document may, within thirty days after the making of the order of refusal, apply to the Political Agent's Court by petition in order to establish his right to have the document registered.

15. The petition shall be dealt with as a plaint under the Code of Civil Procedure.

The Court shall fix a day for disposal and shall inquire—

- (1) whether the document has been executed, and
- (2) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration,

and shall after due enquiry pass such order as it thinks proper.

16. Should a deed of sale or mortgage of Giras land be presented for registration, the Registering Officer should accept it and report the matter immediately to the Political Agent or his Assistant who will then issue such orders as are necessary with reference to the engagements of the Chiefs on the subject.

17. If any person presenting a document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the Registering Officer may, in his discretion, on receipt of the process fee, summon him to appear, and examine him under the provisions of the Civil Procedure Code.

18. A registered document shall operate from the time from which it would have commenced to operate, if no registration thereof had been required or made, and not from the time of its registration.

19. All documents, duly registered under these rules, and relating to any property, whether movable or immovable, shall take effect against any oral

agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

20. No document, whose registration is compulsory, shall affect any immovable property comprised therein, or be received as evidence of any transactions affecting such property, unless it has been registered in accordance with these rules.

21. Every Registrar shall keep—

- (1) register of documents relating to immovable property ;
- (2) record of reasons for refusal to register ;
- (3) miscellaneous register for documents not relating to immovable property.

22. The day, hour, and place of presentation and the signature of every person presenting a document for registration shall be endorsed on every such document at the time of presenting it ; a receipt shall be given to the person presenting the same, and every document admitted to registration shall without unnecessary delay be copied in the proper book in proper order and indexed as may be prescribed.

23. On every document admitted to registration there should be endorsed the following particulars :—

- (1) The signature and address of every person admitting the execution of that document.
- (2) That of every person examined in reference to it.
- (3) Any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt or condition, in whole or in part, made in his presence in reference to such execution.

24. The Registration Officer shall affix the date and his signature to all endorsements made under the last preceding section and shall endorse thereon a certificate containing the word "Registered" together with the number and page of the book in which the document has been copied. Such certificate shall be signed and dated by the Registering Officer, the endorsements referred to in the preceding section shall thereupon be copied into appropriate column of the Register Book.

25. The registration of the document shall thereupon be deemed complete and the document shall then be returned to the person who presented it.

26. The following table of fees shall apply to the registration of documents and other matters connected with these rules :—

	Rs.	A.	P.
Compulsory registration of documents affecting immovable property for every 100 words . . . . .	0	8	0
Minimum fee . . . . .	3	0	0
Optional registration of documents affecting immovable property for every 100 words . . . . .	0	4	0
Minimum fee . . . . .	1	8	0
Registration of documents affecting movable property only for every 100 words . . . . .	0	4	0
Minimum fee . . . . .	1	0	0
Granting copy of document (besides copying fee) . . . . .	1	0	0
Searching for entry by Registering Officer for every year of which the Register or index is searched . . . . .	1	0	0

[*Bombay Government Gazette*, 1911, Pt. I, p. 956.]

Authorized Translators Rules, 1912.

No. 2556, dated the 19th March 1912.—In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department, notification <sup>1</sup>No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to publish for general information the following rules for the qualification of all persons to practise as Authorized Translators in the Palanpur Agency :—

1. Persons of the undermentioned classes will, if they satisfy the Political Agent as to their general character and fitness and subject to the conditions hereinafter prescribed, be admitted as " Authorized Translators " and in token thereof will receive Sanads on payment of a fee of Rs. 10 per annum :—
  - (1) Graduates of any University.
  - (2) Persons who have obtained and may hereafter obtain permission from the Political Agent to practise as Authorized Translators.
2. Sanads granted to Authorized Translators will remain permanently in force subject to continued good behaviour, the discharge of duty with zeal and integrity under the rules and the payment of the annual fee prescribed by Rule 1.
3. No translation of a vernacular document tendered or required will be accepted by any Agency Officer in any suit or proceeding unless it has been made and certified by an Authorized Translator. The rate of fee fixed for the remuneration of Authorized Translators is one rupee per folio of 144 words and this fee includes the charge for transcription and authentication.

[*Bombay Government Gazette*, 1912, Pt. I, p. 404.]

<sup>1</sup> Printed in Appendix III.



No. 3966, dated the 11th May 1912.—

*Rules regarding the sale and mortgage of giras lands in the Pálanpur Agency.*

Rules regarding the  
sale and mortgage of  
giras lands.

1. A Girasia is only at liberty to sell his giras to his collaterals or to his Talukdar. The right of pre-emption rests with the former, and before the Talukdar can be the purchaser it must be proved that the collaterals have been given the opportunity to buy the giras.

2. A Girasia is at liberty to mortgage his giras either to his collaterals or to his Talukdar or to other parties such as bankers and merchants.

Property thus mortgaged may, until a final decree of foreclosure or sale has been pronounced, be redeemed by payment of such sum on account of principal, interest, and costs (less such sums received or realized or as ought to have been realized by the mortgagee) as the Court shall deem equitable. In the case of any suit brought by a mortgagee for foreclosure or sale, a co-Girasia of the defendant and failing such co-Girasia, the Talukdar, may redeem the property when the defendant is unable or unwilling to do so, and on the same terms on which such defendant might have redeemed.

The co-Girasia or Talukdar redeeming as aforesaid shall have such rights against the mortgagor Girasia and over the property redeemed as the Court shall deem equitable.

3. Sales and mortgages by Girasias to *Jurisdictional Chiefs* shall in future be effected by deeds submitted to the Assistant Political Agent, and when approved and sanctioned by the Political Agent, be sent on for registration to the Assistant Political Agent. All sales and mortgages, effected by Girasias to any one in the past by deeds, shall be presented for registration as directed above within one year of the promulgation of these rules, failing which they will be void.

In cases wherein through deception, surprise, oppression or undue influence an unfair advantage appears to have been gained by a party to a sale, mortgage or lease, the Court of the Assistant Political Agent shall have jurisdiction to rectify the terms of the transaction and to adjudicate between the parties to such effect as in the circumstances of the case shall seem equitable.

No cases already decided by the Court shall be re-opened for want of the observance of these rules.

The registration of such documents should be in accordance with the registration rules of this Agency as regards fees, etc., and the registration shall be effected only in the office of the Assistant Political Agent, Pálanpur.

[*Resolution of the Bombay Government.*]



*Mahi Kantha Agency.*

*Application of  
provisions of  
General Acts, viz.  
Indian Penal Code.*

No. 3800, dated the 13th June 1904.—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification of the Government of India in the Foreign Department, <sup>1</sup>No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous orders on the same subject so far as they may be inconsistent with anything herein contained, to apply to the whole of the territories included in the Political Agency of the Mahi Kantha, as entered in the schedule annexed to the said notification of the Government of India (other than those in which the Governor General in Council does not for the time being exercise legislative jurisdiction), the enactment specified in the schedule hereto annexed, in so far as the same may be applicable :

Provided, *first*, that references in the said enactment as so applied to British India shall be read as referring to the said territories :

Provided, *secondly*, that the further modification set forth in the said Schedule shall be made in the said enactment as so applied :

Provided, *thirdly*, that for the purpose of facilitating the application of the said enactment, any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

THE SCHEDULE.

Enactment applied.

Further modification.

The Indian Penal Code  
(Act XLV of 1860).

To the Explanation to section 361 the following words shall be added, namely :—

and where no person is so entrusted with the care or custody of such minor or other person, the latter shall be deemed to be taken out of keeping of his lawful guardian, without the consent of such guardian, <sup>2</sup>[if he is removed beyond the territorial limits of any State, or Taluka, without the consent of the political or chief executive authority exercising jurisdiction in such State or Taluka.]

[*Bombay Government Gazette*, 1904, Pt. I, p. 751.]

<sup>1</sup> Printed in Appendix III.

<sup>2</sup> Substituted by notification No. 7585, dated the 24th November 1905. *Bombay Gazette*, 1905, Pt. I, p. 1611.

**Mahi Kantha Agency.**  
General and Bombay  
Acts and Local  
Regulations applied.

*Application of  
provisions of  
General Acts, viz.*  
Revenue Recovery  
Act, 1890.

Epidemic Diseases  
Act, 1897.

Explosive Substances  
Act, 1908.

*Application of  
provisions of  
Bombay Acts, viz.*

<sup>1</sup> Bombay Abkari  
Act, 1878.

<sup>2</sup> Bombay Land  
Revenue Code, 1879.  
Sections 86, 87 and  
203 to 212 applied to  
the Thanas of the  
Agency.

<sup>3</sup> Bombay District  
Police Act, 1890,  
applied to the Mahi  
Kantha Agency  
Police.

<sup>4</sup> Mamlatdars'  
Courts Act, 1906,  
applied to the  
Thanas of the  
Agency.

**Local Regulations.**

Legal Practitioners  
(Practice and Re-  
muneration) Rules,  
1890.

No. 1415-I., dated the 30th April 1890.—Printed in Appendix XIV.

No. 443-I.A., dated the 4th February 1897.—Printed in Appendix XVI.

No. 5702, dated the 25th August 1908.—Printed *supra*, page 60.

No. 7572, dated the 15th October 1912.—\* \* The Governor in Council is pleased to direct that the Bombay Abkari Act (V of 1878) be extended to the limits of the Sadra Bazar, the Thana Circles and the following Talukas under Agency Management:—

- (1) Mohanpur Taluka including the villages of Davli and Gadha.
- (2) Pethapur Taluka.
- (3) Ilol Taluka.
- (4) Valasna Taluka.
- (5) Vadagam Taluka.
- (6) Ramas Taluka.

[*Bombay Government Gazette*, 1912, Pt. I, p. 1831.]

No. 2052, dated the 28th March 1911.—Not re-printed.

(*Letter of the Bombay Government*.)

No. 6290, dated the 1st October 1910.—Not re-printed.

[*Resolution of the Bombay Government*.]

No. 2052, dated the 28th March 1911.—Not re-printed.

(*Letter of the Bombay Government*.)

No. 4746, dated the 30th July 1890.—Printed *supra*, page 63.

<sup>1</sup> Printed Bombay Code, 3rd Ed., Vol. II, p. 580.

<sup>2</sup> " " " " p. 620.

<sup>3</sup> " " " Vol. III, p. 1331.

<sup>4</sup> " " " Vol. IV, p. 1753.

No. 2651-I., dated the 25th June 1891.—Printed in Appendix XV.

No. 2286, dated the 31st March 1892.—\* \* The Governor in Council is pleased to direct that the Kathiawar Agency Limitation Law<sup>1</sup> be introduced into the Mahi Kantha Agency with effect from the 1st September 1892.

Application of the  
Kathiawar Agency  
Limitation Law,  
1890.

[*Bombay Government Gazette*, 1891, Pt. I, p. 324.]

No. 7207, dated the 18th September 1895.

Opium Regulations,  
1895.

### <sup>2</sup> Opium Regulations.

1. Opium includes also green poppy-heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy.

2. The cultivation of the poppy or the manufacture of opium within the territory of the State is prohibited.

3. The import of opium from any place outside the State limits is prohibited except under a pass signed by the Political Agent.<sup>3</sup>

4. The export of opium to any place outside the State limits is prohibited.

5. The transport from one place to another within the State limits of any quantity of opium exceeding in weight such maximum quantity as the Darbar has undertaken to prescribe is prohibited, except under cover of a permit granted by a duly authorised officer.

6. Except as provided in clauses 7 and 8, (i) no person shall have in his possession any opium other than opium purchased from the Darbar or from a farmer or licensed vendor, (ii) no person, not being a farmer or licensed vendor, shall have in his possession more than such maximum quantity of opium as the Darbar has undertaken to prescribe.

7. Clause 6 does not apply to—

(i) Opium in transit covered by a permit under clause 5, or

(ii) Opium imported according to rule, during transit to its destination.

8. There may be granted (a) to any medical practitioner a license for the possession of opium for medical purposes only; (b) to any person a special permit authorizing him for a specified period to have in his possession, for private consumption only, a specified quantity of opium in excess of such maximum quantity as the Darbar has undertaken to prescribe.

<sup>1</sup> Printed *infra* p. 201.

<sup>2</sup> These Regulations have also been adopted by the Chiefs in the jurisdictional States.

<sup>3</sup> No person entering the limits of any of the States, Talukas and Thana Circles of the Mahi Kantha Agency and bringing with him small quantities of opium for immediate personal consumption not exceeding in weight 3 tolas shall be prosecuted under the opium rules in force for importing this opium unless there is clear evidence that the opium is otherwise contraband.  
[Agency notification No. 243, dated the 12th January 1907.]

9. No person shall sell opium without a license to this effect, provided that any medical practitioner to whom a license has been granted under clause 8 may sell opium in quantities not exceeding in any one transaction such maximum quantity as the Darbar has undertaken to prescribe as medicine or in medical preparations.

10. No person shall sell opium exceeding such maximum quantity as the Darbar has undertaken to prescribe to any person not legally authorised to possess the same.

11. No licensed vendor shall sell more than such maximum quantity as the Darbar has undertaken to prescribe of the inspissated juice of the poppy, or of any preparation or admixture thereof, or of any intoxicating drug prepared from the poppy or more than five seers of poppy heads, except to a licensed vendor or farmer or to a medical practitioner or other person holding a special permit granted by the Darbar under clause 8.

12. Licenses for the sale of opium shall be granted by the Darbar only ; such license shall contain such conditions as the Darbar may think fit to impose. Such conditions may from time to time be varied so as to assimilate them to those in force in British territory.

13. Licenses for sale shall be granted for one year only ; or the right to sell opium may be farmed for a period not exceeding five years.

14. Any person who, in contravention of these regulations (*a*) cultivates the poppy, (*b*) manufactures opium, (*c*) possesses opium, (*d*) transports opium, (*e*) imports or exports opium, (*f*) or sells opium, (*g*) and any person who otherwise contravenes such regulations, shall, on conviction before any officer duly authorised by the Darbar, be punished for each such offence with imprisonment either simple or rigorous for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and where a fine is imposed, the convicting officer shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall either be simple or rigorous and in excess of any other imprisonment to which he may have been sentenced.

15. In prosecutions under the preceding clause, it shall be presumed, until the contrary is proved, that all opium, for which the accused person is unable to account satisfactorily, is opium in respect of which he has committed an offence under these regulations.

16. In any case in which an offence under clause 14 has been committed—

(*a*) the poppy so cultivated,

- (b) the opium in respect of which any offence under the same clause has been committed,
- (c) where, in the case of an offence under head (d) or (e) of the same clause, the offender is transporting, importing or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, exporting or importing,
- (d) where, in the case of an offence under clause (f) of the same clause, the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium

shall be liable to confiscation.

The vessels, packages and coverings in which any opium liable to confiscation under this clause is found and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals or the conveyances used in carrying it shall likewise be liable to confiscation.

17. When the offender is convicted or when the person charged with an offence in respect of any opium is acquitted, but the officer trying the case decides that the opium is liable to confiscation, such confiscation may be ordered by him.

When an offence against these regulations has been committed, but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, any authorized officer may, after due inquiry, order the confiscation of such opium.

18. Opium confiscated under the regulations shall be forwarded to the Political Agent or *Depôt* with a list of rewards that may be ordered to be awarded under clause 19. The Political Agent, after deducting from the sale proceeds thereof the amount of pass fee due on the quantity of opium, and paying off the rewards to the persons concerned, will make over the balance (if any) to the *Durbar*. All other articles so confiscated shall be disposed of as the *Darbar* may order.

19. Any authorised officer convicting an offender under clause 14, or ordering the confiscation of opium under clause 16 of these regulations may grant in such proportions as he thinks fit, to informers and any other persons who have contributed to the seizure of the opium or the conviction of the offender, a reward not exceeding the value of the opium and other articles confiscated in the case *plus* the amount of any fine imposed, in all cases, except when otherwise expressly ordered by the *Durbar* concerned, at least one-half the value of the opium and other articles confiscated *plus* the fine realized shall be distributed as rewards among the informers and captors concerned.

20. Any authorised officer may—

- (a) at any time enter upon, and search, any premises on which he has reason to believe opium liable to confiscation, under these regulations is manufactured, kept, or concealed, and to seize any such opium and all materials used in the manufacture thereof;
- (b) detain, search and arrest any person whom he has reason to believe to be guilty of any offence relating to such opium;
- (c) seize in any open place, or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under clause 16 of these regulations.

21. Any State officer who without any reasonable ground of suspicion enters or searches or causes to be entered or searched any building, vessel or place.

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under these regulations,

or vexatiously and unnecessarily detains, searches or arrests any person, shall for every such offence be punished with fine not exceeding Rs500.

22. Any authorised officer may issue his warrant for the arrest of any person whom he has reason to believe to have committed a breach of these regulations relating to opium, or for the search of any premises in which he has reason to believe opium liable to confiscation is kept or concealed.

23. The subsequent procedure in regard to persons arrested and seizures made shall be in accordance with that generally in force for criminal purposes within the State.

[ *Resolution of the Bombay Government.* ]

Legal Practitioners  
(Admission to  
practise of  
Barristers and  
Pleaders) and  
Authorized Transla-  
tors Rules, 1895.

No. 4069, dated the 25th November 1895.—The following rules approved by Government for the qualification of persons who may in the future ask permission to practise as Barristers or Pleaders in the Courts of the Mahi Kantha Political Agency and for the qualifications of all persons to practice as Authorised Translators are published for general information in super-session of all previous rules and orders.

2. Nothing in this notification shall be deemed to debar any Chief from being represented by his duly accredited Vakil, or from submitting a memorial or representation prepared by any person in his regular service or any person from conducting his own suit or defence in any Agency Court, or from presenting a petition or memorial prepared by himself or by any person who is *bond fide* in his regular service, provided the name of such composer or writer is specified at the foot of it.



3. Persons of the undermentioned classes will if they satisfy the Political Agent as to their general character and fitness and subject to the conditions hereinafter prescribed be admitted as Barristers or Pleaders to practise in the Political Agent's Courts or any Court subordinate thereto, and to draft English petitions or appeals to any office or appeals to Government from the decision of any officer under the Agency and in token thereof will receive Sanads on payment of the fees specified below :—

	Rs.
1. Barristers and Advocates of the High Court of Bombay . . . .	50
2. Attorneys-at-Law of the High Court of Bombay . . . .	} 30
3. Pleaders of the High Court of Bombay . . . .	
4. Persons holding the degree of Bachelor of Laws of the University of Bombay . . . .	
5. * * * *	* 1

NOTE.—Barristers who have not qualified as Advocates of the High Court of Bombay will be called upon to pay an admission fee of Rs250 in addition to the above license fee.

4. Persons of the undermentioned class will, if they satisfy the Political Agent as to their general character and fitness and subject to the conditions hereinafter prescribed, be admitted as " Authorised Translators " and in token thereof will receive Sanads on payment of a fee of Rs10—

- (1) Graduates of any University.
- (2) Persons who have obtained a certificate of qualification at an examination to be held periodically in this behalf under the orders of the Political Agent.
- (3) Persons who have already practised as Authorised Translators.
- (4) Sanads granted to Barristers or Pleaders and Authorised Translators will remain permanently in force subject to continued good behaviour, the discharge of duty with zeal and integrity under the rules and the payment of annual fees of the following rates :—

	Rs.
(a) Barristers-at-Law and Advocates of the High Court of Bombay . .	50
(b) Pleaders whose Sanads authorised them to practise in all the Agency Courts.	30
(c) Authorised Translators . . . . .	10

provided also that any Barrister, Advocate, Attorney, or Pleader of the High Court of Bombay may, at the discretion of the Court having jurisdiction,

<sup>1</sup> Related to qualification by an examination since discontinued.

be granted permission to appear as a Pleader or may draft a petition or appeal in any particular case on payment of a fee of Rs5 notwithstanding the fact of his not having obtained a Sanad under rule 3.

6. No person who has not obtained a Sanad under rule 3 or special permission under rule 5 should be permitted to practise in any Agency Court ; and no English petitions or appeals prepared by persons other than the aforesaid will be accepted by any Agency officer in any suit or proceeding or other business of a similar nature.

7. No translation of a vernacular document tendered or required will be accepted by an Agency officer in any suit or proceeding unless it has been made and certified by an Authorised Translator. The rate of fee fixed for the remuneration of Authorised Translators is one rupee per folio of 144 words, and this fee includes the charge for transcription and authentication.

8. Permission to practise in the Agency Courts will extend to all cases of judicial nature, whether classed as Criminal, Civil or Political unless the Court shall, for reasons to be recorded in writing, declare with regard to any particular case of a political character that permission can not be granted. And this permission will not extend to the discussion of confidential matters affecting the domestic concerns of the Chiefs or their relations with the Paramount Power.

9. Nothing in these rules shall be deemed to affect provisions of the law analogous to those of sections 35, 36 and 37 of the Code of Civil Procedure and of sections 4 (n) and 340 of the Code of Criminal Procedure and of any other similar enactments in force in the Agency Courts.

10. All Sanads to plead held at the date of the publication of these rules are confirmed and shall be continued subject to the provisions of rules 5 and 8.

[*Mahi Kantha Agency notification.*]

Palanpur, Mahi Kan-  
tha and Rewa Kan-  
tha Agencies Encum-  
bered Estates Rules,  
1897.

No. 4264, dated the 8th July 1897.—Printed *supra*, page 68.

Arms Rules, 1901.

No. 7745, dated the 7th November 1901.—Rules for the regulation of the manufacture, conversion, sale, import, export and transport of arms, ammunition and military stores, in certain parts of the Mahi Kantha Political Agency.

*I.—Preliminary.*

Application . . . . .

1. These rules shall apply to (a) the Civil Station, Sádra, (b) all Thana Circles and

petty jurisdictional Tálukas subordinate to them; and shall come into force from the 1st January 1904, from which date all other existing orders, notifications, rules or regulations on the same subject in force shall be repealed, provided that all continuing authorities, permissions, licenses and exemptions in existence on the said date, which are in accordance with these rules, shall be held to have been granted and issued under these rules.

2. In these rules "cannon" includes also all howitzers, mortars, wall pieces, mitrail-leuses and other ordnance and machine guns, all parts of the same, and all carriages, platforms and appliances for mounting, transporting and serving the same.

"Arms" includes firearms, bayonets, swords and daggers; also cannon and parts of arms and machinery for the manufacture or repairs of arms or portions of arms.

"Ammunition or military stores" includes also all articles specially designed for torpedo service and sub-marine mining, rockets, gun cotton, dynamite, lithofracteur and other explosive or fulminating material, gun flints, gun wads, percussion caps, fuses and friction tubes, all parts of ammunition and all machinery for manufacturing ammunition, and includes sulphur in quantity more than ten pounds weight, leaden bird shots and bullets when possessed in quantities exceeding one hundredweight at any one time, but not lead or saltpetre.

"Import" means transmission from any place beyond to any place within the limits to which these rules apply.

"Exports" means transmission from any place within to any place beyond the limits to which these rules apply.

"Transport" means the transmission through the limits to which these rules apply from and to places to which they do not apply.

"License" means a license granted under these rules or by competent authority under the Indian Arms Act.

"Pass" means a written permission granted to transport under these rules arms, munition or military stores not covered by a license.

"Parwana" means a permit to manufacture, convert or sell arms or ammunition.

## II.—*Manufacture, Conversion and Sale.*

Unlicensed manufacture, conversion, repair and sale prohibited.

3. No person shall manufacture, convert, repair or sell or keep, offer or expose for sale any arms, ammunition or military stores except under a license granted under these rules in the manner and to the extent permitted thereby. But nothing herein contained shall prevent any person from selling any arms or ammunition which he possesses *bond fide* for his own private use to any person, provided always that no such sale shall be effected until the permission of the Assistant to the Political Agent has been obtained.

License to manufacture and convert.

4. Licenses to manufacture or convert arms or manufacture ammunition may be granted by the Political Agent. But such manufacture or conversion shall be restricted to the limits of the Agency Stations and Thanas.

License to repair or sell

5. Licenses to repair or sell or keep or expose for sale arms or ammunition may be granted by the Political Agent.

These licenses shall be in the forms annexed to these rules.

- Licenses to manufacture, sell or keep sulphur. 6. No person shall manufacture or keep in his possession or sell more than 10 lbs. of sulphur at a time except under a license granted by the Political Agent.
- Register of stock 7. Every holder of a license under Rules 4, 5 and 6 shall keep a correct and true register in the Form E and shall show in it correctly all stocks, manufacture and receipts and all sales of arms and ammunition or sulphur in his possession. He shall exhibit this register, when called upon to do so, to any Magistrate or to any Police officer not below rank of Chief Constable.
- Inspection of premises 8. Any Magistrate or Police officer, not below the rank of a Chief Constable, may at all reasonable times enter and inspect the premises of any person licensed to manufacture, convert, repair, sell or keep arms, ammunition or sulphur under these rules, and every such person shall be bound to exhibit the entire stock of arms, ammunition or sulphur in his possession or under his control and all accounts and records relating thereto.
- Board to be affixed to shops of licensed vendors. 9. Every person licensed to manufacture, convert, repair, or sell arms, ammunition or sulphur under these rules shall affix a board on a conspicuous part of his shop or usual place of business and shall cause to be painted thereon in large letters in English and Gujarati his name and the words "Licensed to manufacture" or "Licensed to deal in arms, ammunition and sulphur."
- Revocation of license 10. The Political Agent may at any time, for reasons to be recorded in writing, cancel or suspend the license of any manufacturer or vendor under these rules.

Sale by licensed vendors .

11. No manufacturer or licensed vendor shall sell arms or ammunition except sulphur in reasonable quantities, not exceeding 10 lbs. in weight, for medicinal purposes without the written permission of the Assistant to the Political Agent to any person and then only to such limited amount as may be sanctioned by the Political Agent.

*III.—Import, Export and Transport.*

Unlicensed importation from beyond Mahi Kantha prohibited.

12. All importation of arms, ammunition or military stores from places beyond Mahi Kantha is forbidden except under a license granted by the Political Agent or by competent authority in British India under the provisions of the Indian Arms Act.

Unlicensed importation from other places within Mahi Kantha prohibited.

13. All importation of arms, ammunition or military stores from places within Mahi Kantha, but beyond the limits to which these rules apply, is forbidden except under a license granted by the Political Agent.

Unlicensed exportation to places beyond Mahi Kantha prohibited.

14. All exportation of arms, ammunition or military stores to places beyond Mahi Kantha is forbidden except under a license granted by the Political Agent.

Unlicensed exportation to other places within Mahi Kantha prohibited.

15. All exportation of arms, ammunition or military stores to places within Mahi Kantha, but beyond the limits to which these rules apply, is forbidden except under a license granted by the Political Agent.

Transportation without a license or pass prohibited.

16. All transport of arms, ammunition or military stores through the limits to which these rules apply from and to places to which they do not apply not otherwise covered by a license is forbidden except under a pass granted by the Political Agent.

*IV.—Penalties.*

Punishment . . .

17. Whoever commits any of the following offences, viz. :

(a) manufactures, converts, repairs, sells or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provision of Rule 3 or breaks any of the conditions of a license granted under Rules 4 and 5 ;

(b) intentionally makes any false entry in the register which by Rule 7 he is required to keep ; or

(c) intentionally fails or refuses to exhibit anything which by Rule 7 or 8 he is required to exhibit, or to keep a board affixed to his premises as required by Rule 9 ; or

(d) sells arms or ammunition in contravention of Rule 11 ; or

(e) imports, exports or transports any arms, ammunition or military stores in contravention of the provisions of Rules 12, 13, 14, 15 and 16 ;

shall be liable, on conviction before a Magistrate of not lower than the second class, to imprisonment for a term which may extend to three years or to fine which may extend to 1,000 rupees or to both, and the arms, ammunition or military stores in respect of which the offence may have been committed, as also any cart or baggage animal used to convey the same shall be liable to confiscation.

Punishment for breach of rules not otherwise provided for.

18. Any person violating any of these rules for the violation of which no penalty is provided by these rules shall be liable, on conviction before any Magistrate, to imprisonment for a term which may extend to one month or to fine which may extend to two hundred rupees or both.

*Miscellaneous.*

- Search of suspected premises . . . . . 19. Whenever any Magistrate has reason to believe that any unlicensed person has in his possession for sale arms or ammunition, or is keeping upon his premises without permission more than 40 lbs. of sulphur, he may, after recording in writing the grounds of his belief, cause a search to be made of the house or premises in which he believes such arms, ammunition or sulphur are, and, if found, may seize and confiscate them.
- Seizure . . . . . 20. If any person is importing or exporting arms, ammunition or military stores without a license or is transporting them without a pass, such arms, ammunition or military stores may be seized by any Magistrate, Police officer, Police patel or by any person acting under their orders.
- Rewards to informers . . . . . 21. (a) The Magistrate who has tried the case or any other Magistrate to whom he is subordinate may award up to one-half the amount of any fine inflicted under these rules and up to one-half the sale price of any confiscated articles sold under these rules to any person who has given information leading to a conviction
- (b) Cases in which no fine is inflicted or in which it appears desirable to give a reward larger than is provided for above shall be submitted for the orders of the Political Agent by or through the Assistants to the Political Agent.
- Sanction for prosecution necessary. . . . . 22. No prosecution under these rules shall be instituted except under the orders or with the sanction of the Assistants to the Political Agent.



Powers to make subsidiary rules.

23. The Political Agent may from time to time make rules not inconsistent with these rules to determine the forms in which and the terms and conditions on and subject to which any license, pass or Parwana shall be granted, under these rules, and may by such rules among other things,—

- (a) fix the period for which licenses, passes or Parwanas shall continue in force ;
- (b) fix the fee payable by stamp or otherwise for the said licenses, passes or Parwanas ;
- (c) direct the holder of the license to keep a record or account in a prescribed form, and exhibit the same when called upon by an officer of Government to do so ;
- (d) direct him to produce or account for the arms or ammunition when called upon to do so.

Reservation clause . . .

24. Nothing contained in these rules shall be deemed to affect any orders or notification published under the authority of the Bombay Government which are at present in force or which may hereafter be brought into force on this subject.

A.  
*License to import Arms, Ammunition or Military Stores into Mahi Kantha.*

Name and address of Licenseholder.	Number of packages.	ARMS.		AMMUNITION AND SUPPLIES.		Purpose for which required.	Value of the cheapest firearms per piece.	Place where articles are to be deposited or to which they are to be despatched.	Period for which the license is valid.
		Description.	Number.	Description.	Weight in seers or number.				
									From—The To—The

Dated

190 . }

(Signature.)

B.  
*License to export Arms, Ammunition or Military Stores from Mahi Kantha.*

Name, etc., of Licenseholder and Agent, if any.	Number of packages.	ARMS.		AMMUNITION OR MILITARY STORES.		Place of despatch and route.	Purpose for which consignment is required.	Name and residence of consignee.	Period for which license is valid.
		Description.	Number.	Description.	Weight or number.				
									From—The To—The

Dated

190 . }

Signature.

## C.

*License to manufacture or convert Arms and Ammunition.*

Name, etc., of License-holder and place of residence.	Place of business, factory and shop.	Description of arms.	Description of ammunition.	Date on which license expires.
				The 31st December 191

Dated

191 . }

Signature.

## D

*License to repair, sell, keep, offer or expose for sale Arms or Ammunition in*

Name, etc., of Licensee-holder and place of residence.	Place of business, factory and shop.	DESCRIPTION OF ARMS		Description of ammunition to be kept and sold.	Date on which license expires.
		to be repaired.	to be kept and sold.		
					The 31st December 191 .

Dated

190 . }

Signature.

**E**  
*Register of Stock.*

[illegible]

*Signature.*

Dated 190 . }  
[Resolution of the Bombay Government.]

No. 4950, dated the 7th July 1902.—In exercise of the power and jurisdiction delegated by Government of India, Foreign Department, notification No. 1975-I.A., dated the 16th May 1902, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous rules on the subject, to prescribe the following revised rules for regulating the right of appeal in Civil Suits from the Courts of Native States, other than Idar, in the Mahi Kantha Agency.

The revised rules will take effect from the date of publication.

I. No appeal shall lie against the decrees of Chiefs possessing civil jurisdiction exceeding Rs. 5,000 where the original suit is of any of the descriptions mentioned in Rule VI and of a value not exceeding Rs. 100.

II. In all other suits an appeal to the Court of the Political Agent shall lie against the decrees of the Chiefs referred to in the preceding rule.

III. An appeal to the Political Agent against the decrees of Chiefs possessing civil jurisdiction not exceeding Rs. 5,000 shall lie, whatever may be the nature or value of the suit.

IV. In appeals relating to suits of any of the descriptions mentioned in Rule VI and of a value not exceeding Rs. 500, the decision of the Political Agent shall be final.

V. In appeals relating to suits other than those referred to in the preceding rule, if the Political Agent affirms the decree of the Chief's Court, his decision shall be final. If, however, the Political Agent reverses or modifies the decree of such Court a special appeal shall lie to Government.

VI. The suits referred to in Rules I and IV are suits of any of the following descriptions, namely—

Suits for the recovery of money lent or advanced to or paid for the defendant, or as the price of goods or

On an account stated between the plaintiff and defendant, or

On a written or unwritten engagement for the payment of money, or

For the recovery of money due on contracts other than the above, for rent, or

For moveable property, or for the value of such property, or for damage.

VII. The Political Agent shall not refer such appeals to his Assistants for disposal, but should dispose of them as he thinks proper, being at liberty to refer for the report of an Assistant either the whole case or any part that he may consider to require further investigation. The report of the Assistant on such reference may take the form of a final order, and if countersigned (with or without modification as he may think right) by the Political Agent, will then issue as the Political Agent's order.

[Bombay Government Gazette, 1902, Pt. I, p. 1178.]

Rules for refund  
of value, or ex-  
change of Court-fee  
stamps and labels.

*No. 6359, dated the 17th September 1906.—Printed supra page 97.*

Form of sale pro-  
clamation to be used  
by Agency Civil  
Courts.

*No. 7280, dated the 25th October 1906.—Printed supra page 97.*

Mahi Kantha  
Agency Civil Court  
Rules, 1907.

*No. 1190, dated the 13th February 1907.*—In exercise of the power and jurisdiction delegated by the Government of India, Foreign Department, notification<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf the Governor in Council is pleased in supersession of all previous rules on the subject to prescribe, with effect from 1st March 1907, the following Revised Rules for defining the civil jurisdiction (original and appellate) to be exercised by the Courts of the Mahi Kantha Political Agency for regulating the right of appeal and the payment of Court-fees by parties and for ensuring punctuality in the discharge of judicial business. Nothing herein contained shall be deemed applicable to political suits save as may be expressly so ordered by the Governor in Council.

1. The Civil Courts of the Mahi Kantha Agency shall be classed as—

(a) Subordinate Courts.

(b) Court of the Assistants to the Political Agent.

(c) The Political Agent's Court.

2. The Subordinate Courts are specified in Appendix A. Their jurisdiction shall be limited to Civil suits of all descriptions of the values specified therein or such values not exceeding in case of any of the Thandar's Court Rs. 5,000 and in case of the Court of the Aval-karkun of Mahisa Rs. 500 as the Political Agent shall hereafter with the sanction of Government from time to time direct.

3. The Courts of the Assistants to the Political Agent are specified in Appendix B. Their original jurisdiction shall at present be limited to Civil suits of all descriptions of the values specified therein or such values as the Political Agent shall hereafter with the sanction of Government from time to time direct. They shall also possess an appellate jurisdiction in suits tried by the Subordinate Courts up to the limits specified in the said appendix. The charges of the Courts may be altered under the orders of the Political Agent.

4. If the Assistant Political Agent considers that a suit which has been filed as a Political suit, should be heard as a Civil suit, or if the Assistant Political Agent, Personal Assistant Political Agent, Native Assistant Political Agent, or a Thandar, considers that a suit which has been filed as a Civil suit should be heard as a Political suit, he should refer the case to the Political

<sup>1</sup> Printed in Appendix III.

Agent for orders. Any party to a suit may apply to the Political Agent for an order that a Political suit may be heard as a Civil suit or *vice versa*.

5. Any proceedings pending in any Civil Court of the Agency in respect to any debt or liability of a Chief or Talukdar whose estate is attached by the Political Agent, on account of its being encumbered shall, on the publication of the order of attachment, be stayed ; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended, and so long as such attachment continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any such Court in respect of such debts and liabilities.

6. No suit for money against the proprietor of any estate assessed for Government or Gaekwar tribute or holding the position of a Chief or Talukdar shall be entertained without the formal permission of the Political Agent and no decree of an Agency Civil Court in a money suit against the proprietor of such an estate shall have any force after the death of such landed proprietor unless the debt was incurred with the sanction of the Political Agent.

7. An appeal whether on a matter of law or fact shall lie from the decree of any of the Subordinate Courts mentioned in Appendix A to such of the Courts of the Assistants to the Political Agent as the Political Agent may from time to time direct.

8. If the suit be of a nature cognizable in Courts of Small Causes and of a value not exceeding Rs. 500, the decision in appeal of the Court of the Assistant Political Agent shall be final.

9. In all suits relating to moveable property, but not falling under Rule 8, and of a value not exceeding Rs. 1,000 if the Court of the Assistant to the Political Agent confirms the decree of the Subordinate Court, its decision shall be final.

10. In all suits in which the Court of the Assistant to the Political Agent reverses or modifies the decree of the Subordinate Court and in all suits relating to moveable property of a value exceeding Rs. 1,000 and in all suits relating to immoveable property or to any interest therein a second appeal on a matter of law shall lie to the Court of the Political Agent.

11. An appeal whether on a matter of law or fact shall lie from the original decree of a Court of an Assistant to the Political Agent to the Court of the Political Agent.

12. If the suit be of the nature cognizable in Courts of Small Causes and of a value not exceeding Rs. 1,000, the decision in appeal of the Court of the Political Agent shall be final.

13. In all suits relating to moveable property, but not falling under Rule 12 and of a value not exceeding Rs. 3,000 if the Court of the Political Agent confirms the decree of the Court of the Assistant Political Agent, its decision shall be final.

14. In all such suits in which the Court of the Political Agent reverses or modifies the decree of the Court of the Assistant Political Agent and in all suits relating to moveable property of a value exceeding Rs. 3,000 and in all suits relating to immoveable property or any interest therein, a second appeal on a matter of law shall lie to the Governor in Council.

15. All appeals preferred under Rule 14 to the Governor in Council shall be presented to the Political Agent in triplicate and shall be accompanied by authenticated copies of the judgments and decrees of the lower Courts and by certified translations of any documents on which the suit has been brought or which may be relied on by the appellant within 90 days from the date of the decree in respect of which the appeal is preferred, exclusive of the time taken up in obtaining copies in accordance with the rules laid down in Government Resolution No. 7233, dated 1st October 1900. In forwarding such appeals the Political Agent shall certify whether they are barred by limitation or not.

16. The Political Agent shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by Government. If Government call for a rejoinder the Political Agent shall cause one copy of the special appeal to be served on the respondent with a notice requiring him to submit in duplicate to the Political Agent any reply he may wish to make within 30 days from the service of such notice, provided that such time may be extended to 90 days at the discretion of the Political Agent.

17. The Political Agent is empowered to call for proceedings in non-appealable cases of the Courts of his Assistants and the Subordinate Courts for revision and inspection and to prescribe forms of returns of Civil work for each class of Court and when such returns are to be rendered.

18. Returns of the Assistants shall be examined by the Political Agent and those of Subordinate Courts by the Assistant Political Agent, who shall submit them with his remarks to the Political Agent for disposal.

19. In suits in the Courts of first instance and in the Appellate Courts of the Agency fees will be levied as per annexed schedule (Appendix C).

20. No appeal to the Governor in Council will be received without payment of the fee prescribed below unless the appellant shall have been authorised by the Political Agent to appeal in *forma pauperis*—

where the value of the Civil suit does not exceed Rs. 25, the fee on the appeal shall be Rs. 2 ;



where it exceeds Rs. 25 but not Rs. 50, the fee on the appeal shall be *Mahi Kantha Agency.*  
Local Regulations.

Rs. 4 ;

where it exceeds Rs. 50 but not Rs. 100, the fee on the appeal shall be

Rs. 8 ;

where it exceeds Rs. 100 but not Rs. 150, the fee on the appeal shall be Rs. 12 ;

where it exceeds Rs. 150 but not Rs. 200, the fee on the appeal shall be Rs. 16 ;

and so on, being at the rate of a fee of Rs. 4 for every Rs. 50 or fraction of Rs. 50 of value claimed up to the amount of Rs. 10,000. In suits of a value exceeding Rs. 10,000 the fee on the appeal shall be calculated at the rate of 8 per cent. on the value, up to the sum of Rs. 10,000 and of 8 per cent. on each additional Rs. 100 or fraction of Rs. 100 above the sum.

#### APPENDIX A.

*List of the Subordinate Courts of the Mahi Kantha Agency referred to in Rule 2.*

No.	Name of Courts.	Limit of jurisdiction.
		Rs.
1	Bavishi Thandar . . . . .	500
2	Aval-karkun, Mahisha . . . . .	50
3	Katosan Thandar . . . . .	500
4	Saber Kantha Thandar . . . . .	500
5	Gadhvara Thandar . . . . .	500
6	Vatrak Kantha Thandar . . . . .	500

#### APPENDIX B.

*List of Courts of the Assistants to the Political Agent referred to in Rule 3.*

No.	Name of Courts.	Limit of original jurisdiction.	Limit of appellate jurisdiction.
1	The Court of the Assistant Political Agent, Mahi Kantha.	No limit . . .	No limit.
2	The Court of the Personal Assistant to the Political Agent, Mahi Kantha.	Rs. 5,000	Rs. 1,000
3	The Court of the Native Assistant to the Political Agent, Mahi Kantha.	„ 5,000	„ 1,000

The jurisdiction of the Personal Assistant's Court is limited to the area comprised in the Thana Circles of Saber Kanthá, Gadhware, Katosan and the Managed Estates. That of the Native Assistant is limited to the area comprised in the Sadra Bazar and the Talukas of Vasna and Sudasna. The jurisdiction of the Assistant Political Agent is limited to the area comprised in the Thana Circles of Bavishi and Vatrak Kanthá and in the jurisdiction Talukas under his charge.

#### APPENDIX C.

The fees on plaints, petitions of appeal, and applications presented to the Civil Courts of the Mahi Kantha Agency will be computed and levied in accordance with the following rules and regulations :—

- (1) The amount of fee payable in the suits next hereinafter mentioned shall be computed as follows.
- (2) In suits for money (including suits for damages or compensation or arrears of maintenance or arrears of annuities or of other sums payable periodically) according to the amount claimed.
- (3) In suits for maintenance and annuities or other sums payable periodically according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year.
- (4) In suits for moveable property other than money where the subject-matter has a market value according to such value at the date of presenting the plaint.
- (5) In suits—
  - (a) for moveable property where the subject-matter has no market value as for instance in the case of documents relating to title;
  - (b) to enforce the right to share in any property on the ground that it is joint family property;
  - (c) to obtain an injunction;
  - (d) for a right to some benefit (not herein otherwise provided for) to arise out of land; and
  - (e) for accounts

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

- (6) In suits for the possession of land, houses and gardens according to the value of the subject-matter and such value shall be deemed to be—

- (a) where the subject-matter is land— ten times the gross produce arising from the land during the year next before the date

of presenting the plaint. The rate of one rupee per bigha or third part of an acre may be considered to be the average annual gross produce, unless the Court considers that the rate is obviously insufficient;

- (b) where the subject-matter is a house or garden according to market value of the house or garden.
- (7) In suits for Vero or Manu Mapu or for the interest of an assignee of land revenue or for Haks arising out of the land, ten times the gross produce.
- (8) In suits to set aside an attachment of land or of an interest in land or revenue according to the amount for which the land or interest was attached, provided that where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.
- (9) In suits against a mortgagee for the recovery of the land mortgaged and in suits by a mortgagee to foreclose the mortgage according to the principal money expressed to be secured by the instrument of mortgage.
- (10) If the Court sees reason to think that the annual gross produce or the market value of any land, house or garden has been wrongly estimated, the Court may, for the purpose of computing the fee payable, issue a commission to any proper person directing him to make such local or other investigation as may be necessary and to report thereon to the Court.
- (11) If, in the result of any such investigation, the Court finds that the gross produce or market value has been wrongfully estimated the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee.

But if the estimation has been insufficient the Court shall require the plaintiff to pay so much additional fee as would have been payable had the estimate been right.

In such case the suit shall be stayed until the additional fee is paid. If it is not paid within such time as the Court shall fix, the suit shall be dismissed.

- (12) In suits for mesne profits, or for immoveable property and mesne profits, or for an account if the profits or amount decreed are in excess of the profits claimed or the amount at which the plaintiff

valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the proper fee (payable if the suit had comprised the whole of the profit or amount so decreed) shall have been paid to the Court.

- (13) Where the amount of mesne profits is left to be ascertained in the course of the execution of decree if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable (had the suit comprised the whole of the profits so ascertained) is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

- (14) Every question relating to valuation, for the purpose of determining the amount of any fee chargeable under these rules on a plaint or memorandum of appeal, shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed and such decision shall be final as between the parties to the suit.

But whenever any such suit comes before a Court of appeal, reference or revision if such Court considers that the said question has been wrongly decided to the loss of the Fee Fund, it may require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided and the provisions of Rule XI shall apply.

- (15) If an appeal or plaint which has been rejected by the Lower Court is ordered to be received or if a suit is remanded in appeal for a second decision by the Lower Court, which had thrown it out on a preliminary point, the Appellate Court shall grant to the appellant a certificate authorizing him to receive back the full amount of fee paid on the memorandum of appeal :

Provided that if in the case of a remand on appeal the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

- (16) Where an application for a review of judgment is admitted and where on the rehearing the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back the fee paid on the application.

But nothing in this section should entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

- (17) When any appeal is presented to a Civil Court, not against the whole of a decision but only against so much thereof as relates to a portion of the subject-matter of the suit, and on the hearing of such appeal the respondent takes an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.
- (18) Claims for inheritance, maintenance from or partition of estates which have not hitherto supported the jurisdictional rights of a ruling Chief may, unless the Political Agent thinks fit to withdraw them, be heard as Civil suits.
- (19) No document of any of the kinds specified in the annexed Schedule as chargeable with a fee shall be filed, exhibited or recorded in any of the Courts of the Mahi Kantha Agency, or shall be received or furnished by any Political Officer, unless in respect of such document there be paid a fee of an amount not less than that indicated in the said schedule as the proper fee for such document.
- (20) All fees referred to in the annexed Schedule shall be collected by stamps.
- (21) No document requiring a stamp under the annexed Schedule shall be filed or acted upon in any proceeding in any of the Mahi Kantha Agency Courts until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure head so as to leave the amount designated on the stamp untouched and the part removed by punching shall be burnt or otherwise destroyed.

#### *Schedule of Court-fees.*

[The first portion relating to *ad valorem* fees is not re-printed. It reproduces Articles 1, 2, 4 (re-numbered 3), 5 (re-numbered 4), 12 (re-numbered 6) and 12 A\* (re-numbered 7), together with the *Table of Rates of ad valorem fees*

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\*As it stood before amendment by Act VII of 1910.

leviable on the institution of suits, from Schedule I to the Court-fees Act, 1870 (VII of 1870), except that the Description in Article 2 is:—

“Plaint or memorandum of appeal in a suit by a person dispossessed of immoveable property otherwise than by due course of law where the suit is brought within six months from dispossession and is for recovery of possession only without reference of title.”

It also inserts the following Article in lieu of Articles 6—9 in the Schedule to the Act:—

“5. Copy of translation of a judgment, order or decree or other paper in a suit (or from the records of the Agency offices).

.....

One rupee as attestation fee, together with two annas per one hundred words or fraction of one hundred words of English and one anna per one hundred words or fraction of one hundred words of Gujarati as comparing fee and rupees two as searching fee for each year of which the Daftar is searched, if the number, date and other necessary particulars be not accurately specified in the application.”]

*Fixed fees<sup>1</sup>.*

Number.	—	Proper fee.
1. Application or petition	(a) When presented to any Civil Political or Criminal Court or any Executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order or of any other document from the record of the Agency.	One anna.
	(b) When presented to a Subordinate Civil Court or to a Small Causes Court in relation to any suit or case in which the amount or value of the subject matter is less than fifty rupees.	One anna.
	(c) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Code of Criminal Procedure, arrest without warrant and presented to any Criminal Court.	Eight annas.

<sup>1</sup> Footnote 1 on p. 82 *supra* applies equally in the Mahi Kantha Agency.

## Fixed fees—contd.

Mahi Kantha  
Agency.  
Local Regulations.

Number.	—	Proper fee.
1. Application or petition— <i>contd.</i>	(d) When presented to a Civil or Criminal Court or an Executive officer * #1 below the rank of an Assistant Political Agent and not otherwise provided for.	Four annas.
	(e) When presented to a Civil, Political or Criminal Court or an Executive officer of the rank of an Assistant Political Agent and not otherwise provided for.	Eight annas.
	(f) When presented to the Political Agent or the Court of the Political Agent and not otherwise provided for.	One rupee.
	(g) When presented to the Political Agent or the Court of the Political Agent for the exercise of its powers as High Court and not otherwise provided for.	Two rupees.
2. Application for leave to sue or appeal as a pauper.	.....	One rupee.
3. Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under the Civil or Criminal Procedure Code or by a Political Court.	.....	Eight annas.
4. Mukhtiarnama or Vakalatnama.	When presented for the conduct of any one case :—	
	(a) to any Civil, Political or Criminal Court or any Executive officer except as are mentioned in clause (b) of this number,	One rupee.
	(b) to the Political Agent or the Court of the Political Agent for the exercise of its powers as a High Court.	Two rupees.

\* The words "of and" were deleted by Resolution No. 2490, dated the 3rd April 1907.

*Fixed fees—contd.*

Number.	—	Proper fee.
5. Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree and is presented.	(a) To the Court of the Political Agent. (b) To any other Court . . . .	Three rupees. Two rupees.
6. Plaint or memorandum of appeal in a suit to obtain possession of a wife or for conjugal rights.	.....	Five rupees.
7. Plaint or memorandum of appeal in each of the following suits :—		
(i) to alter or set aside a summary decision or order of any Civil Court,	.....	Ten rupees.
(ii) to obtain a declaratory decree where no consequential relief is prayed,		} Ten rupees.
(iii) to set aside an award.		
(iv) to set aside an adoption		
(v) every other suit where it is not possible to estimate at a money value the subject-matter in dispute and which is not otherwise provided for.	.....	
8. Application of the nature of that specified in section 523 of the Code of Civil Procedure.	.....	Five rupees.
9. Application of the nature of that specified in section 525, Civil Procedure Code,	.....	Five rupees.
10. Agreement of the nature of that referred to in section 527 of the same Code.	.....	Ten rupees.



*Fixed Fees.*

Number.		Proper fee.
11. Appeal from order under section 244 of Civil Procedure Code to an Agency Court other than the Court of the Political Agent.	.....	Eight annas.
12. Appeal from order under section 244 of Civil Procedure Code to the Court of the Political Agent or to Government.	.....	Two rupees.

[*Bombay Government Gazette, 1907, Pt. I, p. 278.*]

*No. 5044, dated the 18th July 1907.*—In exercise of the power and jurisdiction delegated by the Government of India, Foreign Department, notification<sup>1</sup> No. 2859-I.A., dated 19th June 1903, and of all other powers enabling him in this behalf the Governor in Council is pleased, in supersession of all previous rules on the subject, to prescribe with effect from 1st September 1907 the following Rules for defining the jurisdiction (original and appellate) to be exercised by the Courts of the Mahi Kantha Agency, for regulating the right of appeal, limitation by time and payment of Court-fees by parties in regard to political suits and appeals.

Mahi Kantha Agency  
Political Court  
Rules, 1907.

I.—COURTS.

The Courts of the Mahi Kantha Agency, which are empowered to hear and dispose of political suits or appeals, are—

- (1) The Assistant Political Agent's Court.
- (2) The Political Agent's Court.

II. JURISDICTION OF COURTS.

2. The following suits should ordinarily be considered political :—
  - (i) Suits to which Chiefs from 1st to 3rd class may be a party.
  - (ii) Cases affecting the interests of the tributary Chiefs of whatever class in regard to sovereign rights, jurisdiction, tribute or allied payments, maintenance to the members of the Chief's family,

<sup>1</sup> Printed in Appendix III.

compensation for injury done by outlaws or highway robbers (Waltar), territory, boundaries, political status or prerogative.

EXPLANATION.—Claims for inheritance or partition of estates in the families of Chiefs, other than those specified in clause 1 above, should ordinarily be heard as civil suits, but this does not include cases which raise the issue of a right to succession to a Chiefship, to which jurisdictionary powers are attached, or an issue of inheritance to, or partition of, any estates in which a jurisdictional Chief or tribute-paying Talukdar has an interest, direct or indirect.

3. The Court of the Assistant Political Agent, Mahi Kantha, possesses an original jurisdiction in political suits of all descriptions without limit as to value.

4. Political suits should be filed in the Court of the Assistant Political Agent, Mahi Kantha (whose jurisdiction for such purpose extends in the whole Agency in which the cause of action arises as the lowest Court competent to try them), but the Political Agent may transfer a suit for trial from the Court of the Assistant Political Agent to his own Court, if considered necessary.

5. If the Assistant Political Agent considers that a suit which has been filed as a political suit should be heard as a civil suit, he shall refer the question to the Political Agent, whose decision, subject to the general or special orders of Government, shall be final. Any party to a suit may also apply to the Political Agent for an order that a political suit shall be heard as a civil suit.

### III. APPEALS.

6. An appeal shall lie from the decision of the Assistant Political Agent's Court to the Court of the Political Agent, Mahi Kantha.

7. A further appeal shall lie to the Governor in Council in all political cases.

### IV. LIMITATION.

#### A

#### *Appeals to the Political Agent, Mahi Kantha.*

8. The period for presenting appeals to the Court of the Political Agent from the decisions and orders of the Assistant Political Agent in political cases of which the matter in litigation is of a kind that would ordinarily form the subject of a civil suit or matter for orders by civil courts, shall be limited to sixty days with the same qualifications as to the calculation of the period as apply to ordinary civil cases.

9. Where such questions as sovereignty, jurisdiction, tribute, territory, political status or prerogative are involved, a period of four months will be allowed, with such further extension in any case as in the judgment of the Political Agent may appear just and reasonable.

## B

### APPEALS TO GOVERNMENT.

10. The period for presenting appeals to Government from the decisions of the Political Agent in political cases, of which the matter of complaint is either of an administrative or miscellaneous nature or of a kind, which would ordinarily form the subject of a civil suit or matter for orders of Civil Courts as between private individuals, shall be ninety days with the same qualifications as to the calculation of the period as apply to ordinary civil cases. All applications to Government for review of a decision by Government shall be governed by a like limitation.

11. Where such questions as sovereignty, jurisdiction, tribute, territory, political status or prerogative are involved, a period of six months will be allowed for the presentation of an appeal against the decision of the Political Agent, but the appellant must obtain a certificate from the Political Agent within thirty days of receipt of his decision that the case is of a nature which entitles it to this extended period of limitation.

*N.B.*—It must be borne in mind that while periods to limit the right of appeal in political cases are prescribed so as to bind the parties, the Governor in Council reserves discretion to direct at any time further enquiry in any political case or matter if it appears to him that there are good grounds for doing so.

### V. MANNER OF SUBMITTING APPEALS AND REJOINDERS.

12. Appeals to the Governor in Council shall be submitted to the Political Agent in triplicate, accompanied by authenticated copies of the judgments and decrees of both the Lower Courts and by certified translations of any documents on which the suit has been brought or which may be relied on in appeal.

13. The Political Agent shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by Government. If Government call for a rejoinder the Political Agent shall cause one copy of the special appeal to be served on the respondent with a notice requiring him to submit in duplicate to the Political Agent any reply he may wish to make within thirty days from the service of such notice: provided that such time may be extended to ninety days in all at the discretion of the Political Agent.

## VI. COURT FEES.

14. No Court-fee for the institution or filing of political suits or appeals or applications at any stage of the proceedings connected therewith shall be levied from the parties concerned : Provided that when—

- (a) the suit is brought by any unprivileged person whose claim is rejected or otherwise fails, and
- (b) the Court which passes the final decision considers that such claim was false and vexatious or that there was no reasonable or probable ground for the same :

such Court may order the recovery from such unprivileged person of Court-fees for the institution of the suit at the rates which would be leviable under the scale of the fees for the time being in force under the Agency Civil Court Rules.

[*Bombay Government Gazette*, 1907, Pt. I, p. 1218.]

Mahi Kántha Agency  
Registration Rules,  
1913.

No. 1271, dated the 22nd February 1913.—The following rules for the registration of documents in the Mahi Kántha Agency are published for general information :—

### *Mahi Kántha Agency Registration Rules.*

In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department, notification<sup>1</sup> No. 2859-I. A., dated the 19th June 1903, and all other powers enabling him in this behalf the Governor in Council is pleased in supersession of all previous rules and orders on the subject to prescribe the following rules for the registration of documents in the Máhi Kántha Agency.

1. These rules shall come into force from the 1st of April 1913 and shall be made applicable within the limits of all the Thana Circles, managed Estates and Talukas. They shall also be applicable within the limits of all other Talukas directly administered by the Talukdars in which the Political Agent or his Assistants exercise residuary jurisdiction, but with regard to those documents only the value of which is beyond the ordinary civil jurisdiction of such Tulukdars.

2. In these rules unless there is anything repugnant in the subject or context :—

- (1) "Immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass ;

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<sup>1</sup> Printed in Appendix III.

- (2) "lease" includes a counterpart *kabuljat*, an undertaking to cultivate or occupy and an agreement to lease ;
- (3) "minor" means a person who according to the personal law to which he is subject, has not attained majority ;
- (4) "moveable property" includes standing timber, growing crops, and grass, fruit upon and juice in trees and property of every other description, except immoveable property ; and
- (5) "representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

3. The Assistant Political Agent and the two Deputy Assistant Political Agents shall be Registrars in the Mahi Kántha Agency up to their civil powers. The Thandars will be Sub-Registrars up to their civil powers within their Thana Circles, and the Managers or Japtidars of jurisdictional Talukas shall be Sub-Registrars up to the civil powers of their respective managed Talukas subject to the control of their Sub-Divisional officers and Registrars. Similarly the Huzur Deputy Assistant Political Agent will be Registrar for the Civil Station of Sádra and for documents of a value beyond the civil jurisdiction of the jurisdictional Taluka or Talukas under his charge (Wasna being the only jurisdictional Taluka under his charge at present) and the States and Talukas under the direct charge of the Political Agent, and will register the same.

4. The following documents shall be registered :—

- (1) Instruments of gifts of immoveable property.
- (2) Other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish whether in present or in future any right, title or interest whether vested or contingent of the value of Rs. 100 and upwards to or in immoveable property.
- (3) Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest ; and
- (4) Leases of immoveable property from year to year or for any term exceeding one year or reserving a yearly rent.

5. Any of the undermentioned documents may be registered —

- (1) Instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than Rs. 100 to or in immoveable property.

- (2) Instruments acknowledging receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest.
- (3) Leases of immoveable property for any term not exceeding one year.
- (4) Awards relating to immoveable property.
- (5) Instruments which purport or operate to create, declare, assign limit or extinguish any right, title to or in moveable property.
- (6) Acknowledgments, agreements, articles of partnership, assignments, awards, bills of exchange, bills of sale, bonds, composition-deeds, contracts, grants, instruments of dissolution of partnership, instruments of partition, powers of attorney, promissory notes, releases, settlements, writings of divorcement, wills and all other documents not hereinbefore mentioned.

6. The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest them with their signatures or initials. If he registers such document, he shall at the time of registering the same, make a note in the register of such blank or alteration.

7. No document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same. Houses in towns shall be described as situated on the north or other side of the street to which they front, other houses and lands shall be described by their name, if any, situation, area, and the roads and other properties on which they abut. If the description is sufficient to identify the property, the document may be registered.

8. No document shall be accepted for registration unless presented for the purpose to the proper officer within four months from the date of execution. Provided that where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution. If owing to urgent necessity or unavoidable accident any document is not presented for registration within the above period, the Registering Officer in cases where the delay does not exceed four months, may direct that on payment of a fine not exceeding ten times the proper registration fee, the document shall be registered.

9. The document presented for registration should be either in English or in Gujarati. A document in any other language should not be registered.

unless it is accompanied by an authorized translation of the same in Gujarati and also by a true copy.

10. Every document mentioned above shall be presented for registration in the office of the Registrar or Sub-Registrar within whose district or sub-district the whole or some portion of the property is situate. The District Deputy Assistant Political Agent shall register those for the Thana Circles and Japti Estates over and above the powers of the Thandars, and Managers who shall register the documents of their respective Thanas and Talukas within the powers conferred on them and those documents of a value beyond the civil jurisdiction of the jurisdictional Talukas under his charge. The Huzur Deputy Assistant Political Agent shall register documents for the Civil Station of Sádra and those of a value beyond the civil jurisdiction of the jurisdictional Taluka or Talukas under his charge and the States and Talukas under the direct charge of the Political Agent. The Assistant Political Agent shall register all documents exceeding the powers of the two Deputies and those for the Thana Circles and jurisdictional Talukas over and above the powers of the Thandars and jurisdictional Talukdars under his charge.

11. Every document to be registered under these rules shall be presented at the proper registration office by persons executing and claiming under the same or by their representative or assign.

12. The Registering Officer shall thereupon inquire whether or not such a document was executed by the persons by whom it purports to have been executed, satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document and in the case of any person appearing as representative or assign or agent satisfy himself of the right of such persons so to appear.

13. If all the persons executing the document appear personally before the Registering Officer and are personally known to him or if he be otherwise satisfied that they are the persons they represent themselves to be and if they all or their representatives admit the execution of the document, the Registering Officer shall register the document.

14. If all or any of the persons by whom the document purports to be executed deny its execution or if any such person appears to be a minor, an idiot or a lunatic, or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the Registering Officer shall refuse to register the document and give a written reply to the party applying for registration stating his reasons for making the refusal.

15. Any person claiming under the document may within thirty days after the making of the order of refusal, apply to the Political Agent's Court by petition in order to establish his right to have the document registered.

16. The petition shall be dealt with as a plaint under the Code of Civil Procedure.

The Court shall fix a day for disposal and shall inquire—

- (1) whether the document has been executed, and
- (2) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration, and shall after due inquiry pass such order as it thinks proper.

17. Where a document purports to convey an interest in property, which according to the conditions of political tenure, standing rules, or circulars cannot be alienated, or can only be alienated with the express sanction of the Agency or of a Chief or other reversioner, a reference must be made for the orders of the Political Agent before registration is effected.

18. If any person presenting a document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such document the Registering Officer may, in his discretion on receipt of the process fee, summon him to appear and examine him under the provision of the Civil Procedure Code.

19. A registered document shall operate from the time from which it would have commenced to operate, if no registration thereof had been required or made, and not from the time of its registration.

20. All documents, duly registered under these rules, and relating to any property whether moveable or immoveable shall take effect against any oral agreement or declaration relating to such property unless where the agreement or declaration had been accompanied or followed by delivery of possession.

21. No document whose registration is compulsory, shall affect any immoveable property comprised therein or be received as evidence of any transactions affecting such property unless it has been registered in accordance with these rules.

22. Every Registrar shall keep —

- (1) Register of documents relating to immoveable property.
- (2) Record of reasons for refusal to register.
- (3) Miscellaneous register for documents not relating to immoveable property.



23. The date, hour, and place of presentation and the signature of every person presenting a document for registration shall be endorsed on every such document at the time of presenting it; a receipt shall be given to the person presenting the same, and every document admitted to registration shall without unnecessary delay be copied in the proper book in proper order and indexed as may be prescribed.

24. (1) On every document admitted to registration there should be endorsed the following particulars :—

- (a) the signature and address of every person admitting the execution of the document,
- (b) the signature and address of every person examined in reference to it,
- (c) any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the Registering Officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

25. The Registration Officer shall affix the date and his signature to all endorsements made under the last preceding section and shall endorse thereon a certificate containing the word "Registered" together with the number and page of the book in which the document has been copied. Such certificate shall be signed, sealed and dated by the Registering Officer. The endorsements referred to in the preceding section shall thereupon be copied into the appropriate column of the register book.

26. (1) Every Registrar or Sub-Registrar refusing to register a document except on the ground that the property to which it relates is not situate within is sub-district, shall make an order of refusal and record his reasons for such order in his book No. 2, and endorse the words "Registration refused" on the document, and on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No Registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

27. An appeal shall lie from the orders of a Sub-Registrar to the Registrar under whose charge he is placed and an appeal shall lie from the Registrar's order to the Political Agent. Any person claiming under the document may within 30 days after the making of the order of refusal, apply to the appellate court by petition, in order to establish his right to have the document registered. The order of the Registrar and the Political Agent on appeal shall be final.

28. The petition shall be dealt with as a plaint under the Code of Civil Procedure. The Court shall fix a day for disposal and shall inquire—

- (1) whether the document has been executed, and
- (2) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration.

29. If it finds that the document has been executed and that the said requirements have been complied with, the Court shall order the document to be registered, and if the document be duly presented for registration within 30 days after the making of such order the registration shall be made as hereinbefore provided.

30. A Registrar or the Political Agent may, for the purpose of any enquiry under Rule 28, summon and enforce the attendance of witnesses and compel them to give evidence and he may also direct by whom the whole or any cost of such enquiry shall be paid and such cost shall be recoverable as costs in a suit.

31. The following table of fees shall apply to the registration of documents and other matters connected with these rules:—

	Rs.	A.	P.
(a) Compulsory registration of documents affecting immoveable property, for every 100 words . . . . .	0	8	0
(b) Minimum fee . . . . .	3	0	0
(c) Optional registration of documents affecting immoveable property, for every 100 words . . . . .	0	4	0
(d) Minimum fee . . . . .	1	8	0
(e) Registration of documents affecting moveable property only, for every 100 words . . . . .	0	4	0
(f) Minimum fee . . . . .	1	0	0
(g) Granting copy of document (besides copying and comparing fees) . . . . .	1	0	0
(h) Searching for entry by Registering Officer for every year of which the register or index is searched . . . . .	1	0	0

32. Whoever—

- (a) intentionally makes any false statement whether on oath or not before any Registering Officer ; or
- (b) intentionally delivers to a Registering Officer a false copy or translation of a document ; or
- (c) falsely personates another and presents any document in such assumed character or makes any admission or statement or does any other act in any proceeding or enquiry under these rules ;
- (d) abets anything made punishable by these rules

shall be punishable with imprisonment for a term which may extend to 3 years or with fine or both.

33. Offences punishable under these rules shall be triable by the Assistant or Deputy Assistant Political Agent.

34. Every person shall be legally bound to furnish information to a Registering Officer when required by him to do so.

35. (a) The fee should be received in court-fee stamps and those stamps should be affixed on the document and cancelled and an entry thereof should be made in the register.

(b) In the managed States the fees should be levied in cash and credited to the State accounts.

36. Nothing contained in these rules shall be deemed to require the registration of any of the following documents :—

- (a) Certificates of sale of immoveable property issued by Civil Courts of the Agency ;
- (b) Notices of relinquishment of occupancies ;
- (c) Agreements of occupancies ;
- (d) Documents executed by the Political Agent on behalf of Government.

[ *Bombay Government Gazette*, 1913, Pt. I, p. 343. ]



*Rewa Kantha Agency.*

No. 3801, dated the 13th June 1904.—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous orders on the same subject so far as they may be inconsistent with anything herein contained, to apply to the whole of the territories included in the Political Agency of Rewa Kantha, as entered in the schedule annexed to the notification of the Government of India (other than those in which the Governor-General in Council does not for the time being exercise legislative jurisdiction), the enactment specified in the schedule hereto annexed, in so far as the same may be applicable :

Provided, *first*, that references in the said enactment as so applied to British India shall be read as referring to the said territories :

Provided, *secondly*, that the further modification set forth in the schedule shall be made in the said enactment as so applied :

Provided, *thirdly*, that for the purpose of facilitating the application of the said enactment, any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

*The Schedule.*

Enactment applied.

Further modification.

The Indian Penal Code  
(Act XLV of 1860).

To the *Explanation* to section 361, the following words shall be added, namely :—

“and where no person is so entrusted with the care or custody of such minor or other person, the latter shall be deemed to be taken out of keeping of his lawful guardian, without the consent of such guardian<sup>2</sup> [if he is removed beyond the territorial limits of any State or Taluka without the consent of the political or chief executive authority exercising jurisdiction in such State or Taluka.] ”

[*Bombay Government Gazette*, 1904, Pt. I, p. 75.]

<sup>1</sup> Printed in Appendix III.

<sup>2</sup> Substituted by notification No. 7585, dated the 24th November 1905. *Bombay Government Gazette*, 1905, Pt. I, p. 1611.

*Rewa Kantha  
Agency.*  
General and Bombay  
Acts applied.

Dekkhan Agriculturists Relief Act, 1879 (in part).

*No. 1548, dated the 1st March 1909.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India in the Foreign Department, <sup>1</sup>No. 2859-I.A., dated the 19th June 1903, the Governor in Council is pleased to apply sections 1, 7, 11 to 21, 23, 56, 60, 62 and 71-A and Chapters V, VI, VII of the Deccan Agriculturists Relief Act to the Pandu and Sankheda Mewas Thana Circles of the Rewa Kantha Agency.

[*Bombay Government Gazette*, 1909, Pt. I, p. 402.]

Revenue Recovery Act, 1890.

*No. 1451-I., dated the 30th April 1890.*—Printed in Appendix XIV.

Epidemic Diseases Act, 1897.

*No. 443-I. A., dated the 4th February 1897.*—Printed in Appendix XVI.

Explosive Substances Act, 1908.

*No. 5702, dated the 25th August 1908.*—Printed *supra* page 60.

*Application of provisions of Bombay Acts, viz.*

Bombay Abkari Act, 1878.

*No. 6282, dated the 17th August 1891.*—Not reprinted.

[*Resolution of the Bombay Government.*]

Bombay District Police Act, 1890.

*No. 25, dated the 17th April 1896.*—It is hereby notified to the public that Act IV of 1890 is, with the sanction of the Bombay Government, made applicable as far as possible to the Sankheda and Pandu Mewas under the Rewa Kantha Agency.

[*Agency notification.*]

*Rewa Kantha  
Agency.*  
Local Regulations.

Rewa Kantha Agency Civil Courts Rules, 1879.

*No. 3689, dated the 9th August 1879.*—His Excellency the Governor in Council is pleased to lay down the following rules for regulating the right of appeal in civil suits from the Courts of the Rewa Kantha.

II. The Civil Courts of the Rewa Kantha, whether permanent or temporary, shall be classed as—

1. Subordinate Courts.
2. Court of the Assistant Political Agent.
3. The Political Agent's Court.

III. The Subordinate Courts shall comprise the Courts of the Thanadars and Extra Assistants as given in Appendix A, and their jurisdiction shall be

<sup>1</sup> Printed in Appendix III

limited to suits of all descriptions of such value as is specified in the said appendix, or as the Political Agent shall hereafter, with the sanction of Government, from time to time direct :

Provided that in no case shall such value exceed R3,000.

IV. The Court of the Assistant Political Agent shall possess an original jurisdiction in suits of all descriptions without limit, and an appellate jurisdiction in suits tried by the Subordinate Courts.

V. Every suit shall be instituted in the Courts of the lowest grade competent to try it, but the Political Agent may transfer a suit from any Court to any other Court subordinate to himself or to his own Court.

VI. An appeal either on law or fact will lie from the decision of a Subordinate Court to the Court of the Assistant Political Agent.

1. In all suits relating to moveable property if the Assistant Political Agent confirm the decree of the Subordinate Court, his decision shall be final if the amount in dispute does not exceed R500.

2. In all other suits of the nature mentioned in the above clause in which the Assistant Political Agent reverses or modifies the decree of the Subordinate Court and in suits in which the value of claims is R500 and upwards, and in suits relating to immoveable property or to any interest therein, a further appeal shall lie to the Court of the Political Agent.

No appeal to Government will be allowed in cases relating to moveable property or in those relating to immoveable property or any interest therein, if in the latter cases the Political Agent confirms the decision of the Assistant Political Agent. In cases in which the Political Agent modifies or reverses the decree of the Assistant Political Agent, a further appeal shall lie to the Governor in Council.

VII. An appeal on law or fact shall lie from the original decision of the Court of the Assistant Political Agent to the Court of the Political Agent.

1. In all suits relating to moveable property, provided the value of the suit does not exceed R3,000, if the Court of the Political Agent confirm the decree of the Assistant Political Agent, its decree shall be final.

2. In suits of the nature mentioned in the above clause in which the Court of the Political Agent reverses or modifies the decision of the Assistant Political Agent, or in all suits relating to moveable property other than those mentioned in the said clause, or in all suits relating to immoveable property or any interest therein, a further appeal on law or fact shall lie to His Excellency the Governor in Council.

VIII. All appeals preferred under the foregoing rules to His Excellency the Governor in Council should be presented to the Political Agent in

triplicate, accompanied by authenticated copies of the judgments and decrees of both the lower Courts and by certified translations of any documents on which the suit has been brought or which may be relied on in appeal, within 90 (ninety) days of the date of the decree appealed against, exclusive of the time taken up in obtaining copies.

IX. No appeal to His Excellency the Governor in Council will be received without payment of the fee prescribed below (unless the appellant shall have been authorized by the Political Agent to appeal *in forma pauperis*). Where the value of the property claimed, as computed in the original Court,—

	R				R
does not exceed	25,			a fee shall be paid of	2
exceeds	25	but not R	50,	„ „	4
„	50	„	100,	„ „	8
„	100	„	150,	„ „	12
„	150	„	200,	„ „	16

and so on, being at the rate of a fee of R4 for every R50 or fraction of R50 of value claimed, up to the amount of R10,000. But in suits for the recovery of a value greater than R10,000 the fee shall be calculated at the rate of 8 per cent. up to the said sum of R10,000 and of 5 per cent. on each additional R100 or fraction of R100 above that limit.

X. The Political Agent shall cause one copy of the special appeal to be served on the respondent, with the notice requiring him to submit in duplicate to the Political Agent any reply he may wish to make within 30 days from the service of such notice. Provided that such time may be extended to 60 days at the discretion of the Political Agent.

XI. On the expiry of the time prescribed for the reply, the Political Agent shall forward to Government one copy of the special appeal and of the reply, if any, together with all the proceedings in the case.

#### APPENDIX A.

##### *List of the Subordinate Civil Courts under the Rewa Kantha Political Agency referred to in rule 3.*

No.	Names of Courts.				Amount of jurisdiction.
					R
1.	The Court of the Deputy Assistant Political Agent,	Lunawara	.	.	1,000
2.	Ditto	ditto	ditto	Sunth .	1,000
3.	Ditto	Thanadar of Sankheda Mewas	.	.	3,000
4.	Ditto	ditto	Pandu	ditto .	1,000
5.	Ditto	ditto	Dorka	ditto .	1,000

[Resolution of the Bombay Government.]



*No. 2651-I., dated the 25th June 1891.—Printed in Appendix XV.*

Publication of  
newspapers and  
other printed  
works.

*No. 7207, dated the 18th September 1895.—*

Opium Regulations,  
1895.

# <sup>1</sup> OPIUM REGULATIONS.

1. Opium includes also green poppy heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy.

2. The cultivation of the poppy or the manufacture of opium within the territory of the ..... State is prohibited.

3. The import of opium from any place outside the State limits is prohibited except under a pass signed by the Political Agent<sup>2</sup>.

4. The export of any opium to any place outside the State limits is prohibited, except under a pass signed by the Political Agent.

5. The transport from one place to another within the State limits of any quantity of opium exceeding in weight such maximum quantity as the Darbar has undertaken to prescribe is prohibited, except under cover of a permit granted by a duly authorised officer.

6. Except as provided in clauses 7 and 8 (i) no person shall have in his possession any opium other than opium purchased from the Darbar or from a farmer or licensed vendor, (ii) no person, not being a farmer or licensed vendor, shall have in his possession more than such maximum quantity of opium as the Darbar has undertaken to prescribe.

7. Clause 6 does not apply to—

(i) opium in transit covered by a permit under clause 5,

(ii) opium imported according to rule during transit to its destination.

8. There may be granted (a) to any medical practitioner a license for the possession of opium for medical purposes only; (b) to any person a special permit authorising him for a specified period to have in his possession, for private consumption only, a specified quantity of opium in excess of such maximum quantity as the Darbar has undertaken to prescribe.

<sup>1</sup> These Regulations have been adopted by the Chiefs in the jurisdictional States.

<sup>2</sup> The maximum quantity of licit opium which persons entering the limits of the States, Talukas and Thana Circles can carry with them for personal use is 3 tolas (Government letter No. 2522, dated the 30th March 1906).

9. No person shall sell opium without a license to this effect, provided that any medical practitioner to whom a license has been granted under clause 8 may sell opium in quantities not exceeding in any one transaction such maximum quantity as the Darbar has undertaken to prescribe as medicine or in medical preparations.

10. No person shall sell opium exceeding such maximum quantity as the Darbar has undertaken to prescribe to any person not legally authorised to possess the same.

11. No licensed vendor shall sell more than such maximum quantity as the Darbar has undertaken to prescribe of the inspissated juice of the poppy, or of any preparation or admixture thereof, or of any intoxicating drug prepared from the poppy or more than 5 seers of poppy heads, except to a licensed vendor or a farmer or to a medical practitioner or other person holding a special permit granted by the Darbar under clause 8.

12. Licenses for the sale of opium shall be granted by the Darbar only ; such license shall contain such conditions as the Darbar may think fit to impose. Such conditions may from time to time be varied so as to assimilate them to those in force in British territory.

13. Licenses for sale shall be granted for one year only, or the right to sell opium may be farmed for a period not exceeding five years.

14. Any person who, in contravention of these regulations,

- (a) cultivates the poppy, (b) manufactures opium, (c) possesses opium, (d) transports opium, (e) imports or exports opium, (f) or sells opium, (g) and any person who otherwise contravenes such regulations,

shall, on conviction before any officer duly authorised by the Darbar, be punished for each such offence with imprisonment, either simple or rigorous, for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and where a fine is imposed, the convicting officer shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall be either simple or rigorous and in excess of any other imprisonment to which he may have been sentenced.

15. In prosecutions under the preceding clause, it shall be presumed, until the contrary is proved, that all opium, for which the accused person is unable to account satisfactorily, is opium in respect of which he has committed an offence under these regulations.

16. In any case in which an offence under clause 14 has been committed :—

- (a) the poppy so cultivated,
- (b) the opium in respect of which any offence under the same clause has been committed,
- (c) where, in the case of an offence under head (d) or (e) of the same clause, the offender is transporting, importing or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, exporting or importing,
- (d) where, in the case of an offence under clause (f) of the same clause, the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation.

The vessels, packages and coverings in which any opium liable to confiscation under this clause is found and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals or the conveyances used in carrying it, shall likewise be liable to confiscation.

17. When the offender is convicted or when the person charged with an offence in respect of any opium is acquitted, but the officer trying the case decides that the opium is liable to confiscation, such confiscation may be ordered by him.

When an offence against these regulations has been committed, but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, any authorised officer may, after due inquiry, order the confiscation of such opium.

18. Opium confiscated under the regulations shall be disposed of in one of the following ways, *viz.*:—

- (1) It may be retained by the Darbar as part of the opium required for consumption within the State, the duty leviable in respect of which the British Government has agreed to relinquish, and shall then be issued to licensed vendors for sale within the State, the price to be charged by the Darbar to the licensed vendors and the price to be charged by the vendors to the customers being the same as those mentioned respectively in clauses 4 and 5 of the agreement with the British Government; or
- (2) It may be forwarded to the Political Agent or Dépôt with a list of rewards that may be ordered to be awarded under clause 19, and the Political Agent after deducting from the sale

proceeds thereof the amount of pass fee due on the quantity of opium and paying off the rewards to the persons concerned, will make over the balance (if any) to the Darbar. All other articles so confiscated shall be disposed of as the Darbar may order.

19. Any authorized officer convicting an offender under clause 14, or ordering the confiscation of opium under clause 16 of these regulations, may grant in such proportions as he thinks fit, to informers and any other persons who have contributed to the seizure of the opium or the conviction of the offender, a reward not exceeding the value of the opium and other articles confiscated in the case plus the amount of any fine imposed. In all cases, except when otherwise expressly ordered by the Darbar concerned, at least one-half the value of the opium and other articles confiscated plus the fine realised shall be distributed as rewards among the informers and captors concerned.

20. Any authorized officer may—

- (a) at any time enter upon, and search, any premises on which he has reason to believe opium liable to confiscation under these regulations is manufactured, kept or concealed, and to seize any such opium and all materials used in the manufacture thereof ;
- (b) detain, search and arrest any person whom he has reason to believe to be guilty of any offence relating to such opium ;
- (c) seize in any open place, or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under clause 16 of these regulations.

21. Any State officer who without reasonable ground of suspicion enters or causes to be entered or searched any building, vessel or place, or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under these regulations, or vexatiously and unnecessarily detains, searches or arrests any person, shall for every such offence be punished with fine not exceeding Rs. 500.

22. Any authorized officer may issue his warrant for the arrest of any person whom he has reason to believe to have committed a breach of these regulations, relating to opium, or for the search of any premises in which he has reason to believe opium liable to confiscation is kept or concealed.

23. The subsequent procedure in regard to persons arrested and seizures made shall be in accordance with that generally in force for criminal purposes within the State.

*[Resolution of the Bombay Government.]*

No. 4264, dated the 8th July 1897.—Printed *supra*, page 68.

*Rewa Kantha Agency.*  
Local Regulations.  
Palanpur, Mahi  
Kantha and Rewa  
Kantha Agencies  
Encumbered Estates  
Rules, 1897.

No. 1906, dated the 27th February 1902.—These rules should be called the Rewa Kantha Agency Registration Rules.

*Rewa Kantha Agency Registration Rules, 1902.*

They shall come into force after three months from the date of their promulgation, and shall apply within the limits of all the Thanadarates in the Agency. They shall also be applicable within the limits of all other Talukas directly administered by the Talukdars in which the Political Agent or his Assistants exercise jurisdiction, but with regard to those documents only the value of which is beyond the ordinary civil jurisdiction of such Talukdars.

II. There shall be two Registration districts in the province, one comprising the Thanadarates and States under the supervision of the Deputy Assistant Political Agent in charge Mewas and the other comprising the States of Kadana and Sanjeli, as follows:—

- |                                   |   |                  |
|-----------------------------------|---|------------------|
| 1. Sankheda Mewas.                | } | First District.  |
| 2. Pandu Mewas (including Dodka). |   |                  |
| 3. Jambughoda.                    |   |                  |
| 4. Umetha.                        | } | Second District. |
| 1. Kadana.                        |   |                  |
| 2. Sanjeli.                       |   |                  |

Each Thana will form a sub-district.

III. In every district there shall be a Registrar and in every sub-district there shall be a Sub-Registrar. The following is a list of the Registrars and Sub-Registrars with their powers:—

*Registrars.*

- |  |   |   |
|--|---|---|
| Deputy Assistant Political Agent<br>in charge Mewas for First<br>District. | } | Have powers to register documents<br>relating to moveable and immove-<br>able property to any amount within<br>their districts. |
| Hazur Deputy Assistant Political<br>Agent for second District.             |   |   |

*Sub-Registrars.*

- |                          |   |  |
|--------------------------|---|--|
| Thanadar, Sankheda Mewas | } | Have power to register documents<br>relating to moveable property<br>only to the extent of their<br>powers in civil suits. |
| „ Pandu Mewas            |   |  |
| „ Jambughoda             |   |  |
| Japtidar of Umetha       |   |  |
| „ Sanjeli                |   |  |

IV. The documents next hereinafter mentioned shall be registered:—

- (1) Instruments of gift of immoveable property.

- (2) Other instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of Rs. 100 or upwards, to or in immoveable property.
- (3) Instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title or interest.
- (4) Lease of immoveable property from year to year or for any time exceeding one year, or reserving a yearly rent.

V. Any of the documents next hereinafter mentioned may be registered :—

- (1) Instruments which purport to create, declare, assign, limit or extinguish, whether in present or in future any right, title or interest, whether vested or contingent, of a value less than Rs. 100 to or in immoveable property.
- (2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest.
- (3) Leases of immoveable property for any term not exceeding one year.
- (4) Awards relating to immoveable property.
- (5) Instruments which purport to operate or create, declare, assign, limit or extinguish any right or title to or in moveable property.
- (6) Acknowledgments, agreements, articles of partnership, assignments, awards, bills of exchange, bills of sale, bonds, composition deeds, contracts, grants, instruments of dissolution of partnership, instruments of partition, power of attorney, promissory notes, releases, settlements, writings of divorcement and all other documents not hereinbefore mentioned.

VI. The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest them with their signature or initials. If he registers such documents, he shall, at the time of registering the same, make a note in the register of such blank or alteration.

VII. No document relating to immoveable property shall be accepted for registration, unless it contains a description of such property sufficient to identify the same.

Houses in towns shall be described as situated on the north or other side of the street to which they front, other houses and lands shall be described by their name, if any, situation, area and the roads and other properties on which they abut.

If the description is sufficient to identify the property, the document may be registered.

VIII. No document required by Rule IV to be registered and no document mentioned in Rule V shall be accepted for registration, unless presented for that purpose to the proper officer within four months from the date of execution.

Provided that where there are several persons executing a document at different times, such documents may be presented for re-registration within four months from the date of each execution.

IX. If owing to urgent necessity or unavoidable accident, any document executed in Rewa Kantha is not presented for registration within the above period, the Registrar, in cases where the delay does not exceed four months, may direct that on payment of a fine not exceeding ten times the proper registration fee the document shall be registered.

X. Every document mentioned in Rule IV and in clauses 1, 2, 3 and 4 of Rule V shall be presented for registration in the office of the Registrar within whose district the whole or some portion of the property is situated.

Documents not relating to immoveable property may be presented either before the Registrar, or where a Sub-Registrar shall be empowered, before the Sub-Registrar.

XI. Every document to be registered under these rules, whether such registration shall be compulsory or optional, shall be presented at the proper Registration Office, by some person executing or claiming under the same or by his representative or assign.

XII. No document shall be registered unless the persons executing such documents or their representatives or assigns or authorised agents appear before the Registering Officer within the time allowed for presentation.

XIII. The Registering Officer shall thereupon inquire whether or not such document was executed by the person by whom it purports to have been executed, satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and in the case of any person appearing as representative, assign, or agent, satisfy himself of the right of such person so to appear.

XIV. If all the persons executing the document appear personally before the Registering Officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be and if they all or their representatives admit the execution of the document, the Registering Officer shall register the document.

XV. If all or any of the persons by whom the document purports to be executed deny its execution, or if any such person appears to be a minor, an idiot, or a lunatic, or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the Registering Officer shall refuse to register the document.

XVI. If any person presenting a document for registration desires the appearance of any person, whose presence or testimony is necessary for the registration of such document, the Registering Officer may, in his discretion, on receipt of the process fee, summon him to appear and examine him under the provisions of the Code of Civil Procedure.

XVII. A registered document shall operate from the time from which it would have commenced to operate, if no registration thereof had been required or made, and not from the time of its registration.

XVIII. All documents, duly registered under these rules, and relating to any property, whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

XIX. No document whose registration is compulsory shall affect any immoveable property comprised therein, or be received as evidence of any transaction affecting such property, unless it has been registered in accordance with these rules.

2. But no document purporting to convey an interest in property which, according to the conditions of political tenure, or standing rules and circulars, either cannot be alienated, or can only be alienated, with the express sanction of the Agency, or of a Chief, or other reversioner, shall be accepted in evidence by an Agency Court, merely because it has been registered, unless it be also shown that the execution of the same received the express sanction of the Agency, Chief, or other reversioner.

XX. Every Registrar shall keep —

- (1) Register of documents relating to immoveable property.
- (2) Records of reasons for refusal to register.



- (3) Miscellaneous register for documents not relating to immoveable property.

XXI. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it ; a receipt shall be given to the person presenting the same and every document admitted to registration shall, without unnecessary delay, be copied in the proper book in proper order and indexed as may be prescribed.

XXII. On every document admitted to registration there shall be endorsed the following particulars :—

- (1) The signature and address of every person admitting the execution of a document.
- (2) That of every person examined in reference to it.
- (3) Any payment of money of or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the Registering Officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

XXIII. The Registering Officer shall affix the date and his signature to all endorsements made under the last preceding rule, relating to the same document and made in his presence on the same day.

XXIV. When the provisions of these rules have been complied with, the Registering Officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the book in which the document has been copied. Such certificate shall be signed, sealed and dated by the Registering officer and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by these rules, and that the facts mentioned in the endorsements referred to in Rule XXII have occurred as therein mentioned.

The endorsements and certificate referred to in Rule XXII shall thereupon be copied into the margin of the Register book.

The registration of the document shall thereupon be deemed complete, and the document shall be returned to the person who presented it.

XXV. Every Registering Officer refusing to register a document shall make an order of refusal and record his reasons in book (2) and endorse the

word "registration refused" on the document and on application made by any person executing or claiming under the document, shall give him a copy of his reasons so recorded.

XXVI. An appeal shall lie from Sub-Registrars to a Registrar.

XXVII. When the Registrar has himself made an order of refusal, any person claiming under the document may, within 30 days after the making of the order of refusal, apply to the Political Agent's Court by petition in order to establish his right to have the document registered.

XXVIII. The petition shall be dealt with as a plaint under the Code of Civil Procedure. The Court shall fix a day for disposal and shall inquire—

- (1) whether the document has been executed ; and
- (2) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration.

XXIX. If it finds that the document has been executed and that the said requirements have been complied with, the Court shall order the document to be registered, and if the document be duly presented for registration within 30 days after the making of such order, the registration shall be made as hereinbefore provided.

XXX. The following table of fees shall apply to the registration of documents and other matters connected with these rules.—

	Rs. A. P.
Compulsory registration of documents affecting immoveable property:	
for every hundred words . . . . .	1 0 0
Minimum Fee . . . . .	5 0 0
Optional registration of documents affecting immoveable property for every hundred words . . . . .	0 4 0
Minimum fee . . . . .	1 4 0
Registration of documents affecting moveable property only : for every hundred words . . . . .	0 4 0
Minimum fee . . . . .	1 0 0
Searching for entry by registering officers for every year of which the register or index is searched . . . . .	1 0 0
Granting copy of a document (besides copying fee) . . . . .	2 0 0

[Resolution of the Bombay Government.]

Rewa Kantha  
Agency Arms Rules,  
1903.

No. 524, dated the 24th March 1903.—The following rules relating to the control of arms and ammunition in the Thana Circles in this Agency have been approved and sanctioned by Government and are published for general information.

Similar rules have been introduced in the States under the Agency.

1. These rules may be cited "the Rewa Kantha Agency Arms Rules" and apply to the Thana Circles under the Agency.

Short Title.

2. Arms or ammunition may be imported into the Thana Circles under the Agency only under a license and in the manner and to the extent permitted thereby and in strict conformity with the rules regulating export in the area from which the arms or ammunition are to be imported.

Import of arms and ammunition.

3. No arms or ammunition shall be exported from the Rewa Kantha Agency into British India or any Native States adjoining, except under a license and in the manner and to the extent permitted thereby and in strict accordance with any law or rules in force there for the regulation of possession and import of arms and ammunition.

Export of arms and ammunition.

4. The transport of arms or ammunition within the limits of the Rewa Kantha Agency will be subject to such rules or limitations as the Political Agent may find it necessary from time to time to prescribe.

Transport of arms and ammunition.

5. Nothing in section 2 or section 4 shall be deemed to extend to arms or ammunition imported or transported in reasonable quantities for his own private use by any person lawfully entitled to possess the same.

License not necessary in certain cases.

6. No person is allowed to sell arms or ammunition in the Rewa Kantha Agency except under a license (Form A) and in the manner and to the extent permitted thereby, and no arms or ammunition shall be sold to any person not entitled to possess the same under this law or any rule made under it :

Sale of arms and ammunition.

Provided that nothing herein contained shall be deemed to require any person to take out a license for selling any arms or ammunition which he lawfully possesses for his own private use to any person entitled to possess the same under this law or any rule made under it.

7. No person is allowed to manufacture arms or ammunition except under a license (in Form A) in the manner and to the extent permitted thereby.

Manufacture of arms and ammunition.

8. (a) Subjects of the Thana Circles may possess arms other than fire arms and ammunition for private use, and go armed with the same as hitherto, but the Political Agent reserves complete power—

- (i) to regulate the wearing or use of arms by special classes or at special times or in particular localities; and
- (ii) to prohibit any particular person from possessing or going armed with particular kinds of weapons in the Agency or in any part of it.

(b) Subjects of the Thana Circles except those specified in Schedule A are prohibited from possessing fire-arms or ammunition, or going armed with same, except under a license and in the manner and to the extent permitted thereby.

(c) Foreign subjects, except those specified in Schedule A, are prohibited from possessing arms or ammunition of any kind whatsoever or going armed except under a license and in the manner and to the extent permitted thereby.

Provided that bridegrooms going to marry shall not be compelled to take out licenses for the arms usually carried by them on such occasions.

(d) Licenses under this section shall be of two kinds, *viz.* :—

- (1) permanent, coloured green, which may be granted by the Political Agent (Form B), and
- (2) temporary, coloured red, which may be granted by the 1st class Magistrate, and shall not extend to a period exceeding one year (Form C).

9. Only temporary licenses may be granted to foreigners and only with the previous sanction of the Political Agent.

10. Licensees to possess arms or ammunition or to go armed shall, on demand, show their licenses and the arms and ammunition covered by the licenses to any Magistrate or Police Officer not below the rank of Foujdar.

Inspection of licenses.

Registers of licenses.

11. The 1st class Magistrate shall keep registers showing—

- (i) Licenses granted by him, and
- (ii) Applications for licenses which he has refused.

12. Applications for licenses to go armed on a journey through British India must be submitted to the Political Agent, Rewa Kantha, through the Thanadars.

Journey licenses.

13. Consistently with the provisions of this law the Political Agent may make rules and afterwards may, from time to time, repeal, alter or amend the same, as occasion may require, regulating the grant of licenses, the form in which and the terms and conditions subject to which licenses may be granted; the fees to be charged therefor; the mode in which such fees are to be recovered, the officers by whom particular licenses may be granted; and all other matters connected with the purposes of this law.

Powers to make rules.  
Grant of license discretionary.  
14. It will be entirely in the discretion of the Political Agent to grant, refuse or revoke any license under this law.

15. A license granted under this law may, for sufficient reasons to be recorded in writing, be cancelled or suspended by the officer by whom the same was granted or by any authority to whom such officer may be subordinate.

Cancellation or suspension of licenses:  
16. All licensees under section 6 or 7 of this law will be bound to conform strictly to the provisions of their licenses and this law, to obey all orders issued under this law, to store arms, ammunition or gunpowder as directed, to keep correct accounts of all receipts and issues with full particulars of purchases: and to keep their premises open for inspection and search at any time by any officer generally or specially authorized by the Political Agent in that behalf.

Obligations on licenses.  
17. All purchasers are hereby declared to be legally bound to give full information to manufacturers or vendors of arms, ammunition or gunpowder when called upon to do so.

Obligations of purchasers.  
18. A brief but complete annual return of all fire-arms in the Agency shall be prepared annually by the Superintendent of Police as soon after 30th June as may be, and submitted to the Political Agent. All persons are hereby declared to be legally bound to furnish correct information as to fire-arms in their possession when called upon to do so by a Police officer not inferior in rank to an officer in charge of a Police Station or by a Magistrate.

Return of fire-arms.  
19. Whoever is guilty of any act or omission in contravention of this law, or fails or refuses to give any information which he is bound to give by this law, or gives any information which he is bound by this law to give as correct, which he knows or has reason to believe to be false, shall on conviction before a Magistrate be punished with imprisonment of either

description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both, but in the case of licensees the previous sanction of the Agency and in other cases that of the 1st class Magistrate will be necessary to any such prosecution. Nothing contained in this section shall bar a prosecution under any other law for an act or omission which is an offence under that law, but no one shall be punished twice for the same offence.

20. In addition to any penalty inflicted under section 19 any arms or ammunition in respect of which an offence has been committed may be confiscated under the orders of the trying Magistrate.

21. The Political Agent may by a notification exempt any person by name or in virtue of his office or any class of persons, or exclude any description of arms or ammunition from the operation of any prohibition or direction contained in this law and may cancel or modify such notification.

22. The expressions "arms and ammunition" bear in this law the meaning which they are defined to have in the British Arms Act, but nothing contained in this law is to be construed as prohibiting the repair of arms, or as relating to bows and arrows, or to the manufacturing of powder for fireworks.

#### SCHEDULE A.

List of persons or classes of persons exempted from the operation of the prohibitions contained in the rules of the Rewa Kantha Agency relating to arms and ammunition other than those referring to cannons, articles designed for torpedo service, war rockets and machinery for the manufacture of arms and ammunition.

---

1. All persons, who, if in British India, would be exempted from the operation of the Indian Arms Act.

2. All jurisdictional and non-jurisdictional Talukdars of Rewa Kantha whose names are on separate tribute-payer's list.

3. All travellers carrying arms or ammunition so far as their arms or ammunition may be covered by a permit in due form signed by a duly qualified British Officer, or any competent officer of a jurisdictional State.

4. Any persons of approved loyalty and good position who are specially exempted by notification issued by the Agency from time to time.

## FORM A.

*License to manufacture, convert, sell or keep Arms, Ammunition and Military Stores.*

Name, etc., of license-holder and place of residence.	Place of business, factory and shop.	DESCRIPTION OF ARMS		DESCRIPTION OF AMMUNITION AND MILITARY STORES	Date on which license expires.
		To be manufactured.	To be kept and sold.		
		To be manufactured. To be kept and sold.	To be manufactured. To be kept and sold.		

NOTE.—For conditions of this license see next page.

(Signature of)

*Officer granting the license.*

This license is given subject to the provisions of the Rewa Kantha Agency Arms Regulations.

The license-holder shall keep records and accounts of all arms made or converted, of all ammunition manufactured, of all stock in hand, and of all sales in such form as the Political Agent may from time to time direct.

The license-holder shall exhibit his stock and his books of manufacture and sale to any Magistrate or to any Police Officer not below the rank of Foujdar when such officer may call upon him to do so.

The license-holder shall affix to his shop or place of business a sign board intimating his name and the nature of his license.

The license-holder shall at the time of the purchase endorse upon the license of every purchaser holding a license under Forms B and C the following particulars :—

- (1) The name and address of the person who takes delivery of the articles sold,
- (2) The nature or amount of the article sold,
- (3) The date of the sale,

and shall append his signature to the endorsement.

He shall maintain at his shop a similar record of every sale of arms or ammunition whether the purchaser is a license-holder or is exempt under the rules.



# FORM B.

*License to possess and carry arms.*

(Permanent.)

(Green.)

No.	Name.	Age.	Caste.	Inhabitant of.	Description of his person.	Date.	PARTICULARS OF ARMS.							REMARKS.	
							GUN.		Sword.	Daggre.	Knife.	Lance.	Pistol.	Gupit.	
							Country-made.	English.							

Date

(Signature.)

*Rewa Kantha*  
*Agency.*  
 Local Regulations.

(Temporary.)

FORM C.

(Red.)

*License to possess and carry arms.*

No.	Name of the person to whom the license is given.	Age.	Caste.	Profession.	Inhabitant of	Description of his person.	Purpose for which license is given.	From date to date.	Particulars of arms.	REMARKS.

*Date.*

*Signature.*

[Agency Notification.]

Explosives Rules,  
1903.

No. 1555, dated the 18th August 1903.—Under instructions from Government, the following rules relating to the transport and importation of explosives in the Thana Circles under this Agency are published for general information.

Similar rules have been adopted by the Jurisdictional States for their territories.

*Rules to regulate the transport and importation of Explosives in the Thana Circles of the Sankheda and Pandu Mewas (including the Peta Bhag of Dodka) and Jambughoda.*

1. "Explosives" include the following:—Gunpowder, ammunition, fireworks, blasting powder and any dangerous and chemically prepared substance which easily takes fire and which explodes.

2. An explosive under transport shall be closed in a box, a cask, a *dabba* or a bag that the vessel may not break or accidentally break open in transit and the substance may not go out and prove dangerous. For this purpose the vessel shall be a wooden or a metallic box or a box made of any other substance, a cask or a *dabba* in accordance as the necessity of the case may require.

3. Explosives of different kinds shall be packed separately. Substances which by being packed together may take fire shall not be packed together.

4. Gun-powder, ammunition, blasting powder and powder for fire works shall not exceed 100 lbs. in a single package, and any other chemically prepared substance 50 lbs.

5. The package shall bear on it the word "explosive," the name of the substance, the name and address of the owner, and the consigner, or a label with the same statement shall be affixed on it.

6. When explosives are to be conveyed in a boat or a carriage, proper care should be taken lest they should take fire. A lamp, fire, matches or any such substance shall not be kept near the explosives. Even smoking shall not be done, else the explosives may take fire. But if necessity for lamp arises, one in a strong lantern shall be made use of from a reasonable distance. In short every precaution against the explosives taking fire and for their protection shall be taken.

7. Explosives shall not be transported without being packed in the aforementioned manner and care and precaution must be taken against their taking fire. Whoever shall break the above-mentioned rule of transport of explosives shall be liable to a fine which extend to Rs. 100.

8. Whoever wishes to import explosives in the limits of the Thana Circles of the Sankheda and Pandu Mewas (including the Peta Bhag or Dodka and Jambughoda) shall obtain a license, under the Rules and Regulations. If imported without a proper license they shall be liable to be confiscated. Similarly an explosive shall not be sold without a license. A fee of Rs. 10 shall be charged for every license covering 200 lbs. and over. A fee of Rs. 5 shall be charged for every license covering 100 lbs. and under.

Provided that no license shall be required for the import of explosives up to 10 lbs. if the quantity so imported be solely for the private use of the importer and not for sale.

9. A license-holder shall keep a clear account and shall produce it when required by a Magistrate or a Police Officer or other Government servant.

10. Whoever shall import or sell explosives without a license or shall act in contravention of its conditions shall be liable to a fine which may extend to Rs. 100.

[Agency Notification.]

No. 6359, dated the 17th September 1906.—Printed *supra*, page 97.

Rules for refund of value, or exchange, of Court-fee stamps or labels.

No. 7280, dated the 25th October 1906.—Printed *supra*, page 97.

Form of sale proclamation to be used by Agency Civil Courts.

No. 4009, dated the 15th June 1911.—The Governor in Council is pleased to ratify the\* rules for calculating fees which have been in force in the Rewa Kantha Agency since the 1st November 1899.

\* Table for calculating Institution fee, Process fee, Japti Bhatta fee in civil cases (in force in States under management and the Mewases).

Subject.	Commission, Process fees, etc.	Remarks.
<sup>1</sup> Commission fee (for institution of civil suits and appeals).	Rs. 6-4-0 per cent., i.e., one anna per rupee or a fraction thereof.	
Process fee . . .	<p>Rs. a. p.</p> <p>From Rs. 1 to Rs. 25 ... 0 2 0</p> <p>" 25 " 100 ... 0 4 0</p> <p>" 100 " 500 ... 0 8 0</p> <p>" 500 " 1,000 ... 1 0 0</p> <p>" 1,000 " 5,000 ... 2 0 0</p> <p>" 5,000 " and upwards ... 4 0 0</p> <p>Process fee should be charged at the above rate for every defendant and witness.</p> <p>In cases where the amount of claim cannot be valued, process fee should be charged at Re. 0-8-0 per each defendant or witness.</p>	
Fee on application for attachment.	<p>On application for attachment Re. 0-1-0 per mile for defendant.</p> <p>Twice the above rate should be charged when a warrant is issued against the defendant.</p>	By Order No. 4742 of 1st October 1901 it is ordered to charge this fee on the value of claim as in the case of process fee instead of on mileage.
Miscellaneous applications for raising attachment, etc.	<p>In miscellaneous applications for raising attachment of property, attached in execution, Re. 0-8-0 should be charged for stamp.</p> <p>If parties or witnesses are called in the above cases, process fee should be charged as in original suits.</p>	

No. 4158, dated the 20th June 1911.—In exercise of the powers and jurisdiction delegated by the Government of India under Foreign Department notification<sup>3</sup> No. 2859-I.A., dated the 19th June 1903, and of all other power enabling him in this behalf the Governor in Council is pleased to direct the introduction into the Rewa Kantha Agency, with effect from the 1st January 1912, of the Kathiawar Agency Limitation Law<sup>2</sup> \* \*

[Bombay Government Gazette, 1911, Pt. I, p. 1001.]

<sup>1</sup> Footnote 1 on p. 82 *supra* applies equally in the Rewa Kantha Agency.

<sup>2</sup> Printed *infra* p. 201.

<sup>3</sup> Printed in Appendix III.

*Kathiawar Agency.**Kathiawar Agency.*  
General Acts applied.*Application of  
provisions of  
General Acts.**No. 8944, dated the 17th December 1912.—Printed infra page 178.*

Interest Act, 1839.

*No. 3799, dated the 13th June 1904.—*In exercise of the power delegated Indian Penal Code.

under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous orders on the same subject so far as they may be inconsistent with anything herein contained, to apply to the whole of the territories included in the Political Agency of Kathiawar, as entered in the schedule annexed to the said notification of the Government of India (other than those in which the Governor-General in Council does not for the time being exercise legislative jurisdiction), the enactment specified in the schedule hereto annexed so far as the same may be applicable :

Provided, *first*, that references in the said enactment as so applied to British India shall be read as referring to the said territories :

Provided, *secondly*, that the further modification set forth in the said schedule shall be made in the said enactment, as so applied :

Provided, *thirdly*, that for the purpose of facilitating the application of the said enactment, any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

*The Schedule.*

Enactment applied.

Further modification.

The Indian Penal Code (Act XLV of 1860).	{	To the <i>Explanation</i> to section 361 the following words shall be added, namely :— “and where no person is so entrusted with the care or custody of such minor or other person, the latter shall be deemed to be taken out of keeping of his lawful guardian, without the consent of such guardian, <sup>2</sup> [if he is removed beyond the territorial limits of any State or Taluka without the consent of the political or chief executive authority exercising jurisdiction in such State or Taluka].”
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[*Bombay Government Gazette*, 1904, Pt. I, p. 750.]<sup>1</sup> Printed in Appendix III.<sup>2</sup> Substituted by notification No. 7585, dated the 24th November 1905. *Bombay Government Gazette*, 1905, Pt. I, p. 1611.

General Acts  
applied.

Cattle-trespass Act,  
1871.

*No. 11, dated the 20th April 1877.*—Assistant Political Agents are authorized to use the provisions of the Cattle-trespass Act for the management of pounds in the Thana Circle in their several Prants.

Indian Evidence Act,  
1872.

Indian Contract Act,  
1872.

Succession Certificate  
Act, 1889 (certain  
sections).

*No. 8944, dated 17th December 1912.*—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous orders on the same subject, so far as they may be inconsistent with anything herein contained, to apply to the whole of the territories included in the Political Agency of Kathiawar, as entered in the schedule annexed to the said notification of the Government of India (other than those in which the Governor-General in Council does not for the time being exercise legislative jurisdiction), the enactments specified in the schedule hereto annexed, in so far as the same may be applicable :

Provided, *first*, that references to British India in the said enactments as so applied shall be read as referring to the said territories.

Provided, *secondly*, that for the purpose of facilitating the application of any of the said enactments, any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

#### THE SCHEDULE.

##### (1) *Acts of the Governor-General in Council.*

The Interest Act, 1839 (XXXII of 1839).

The Indian Evidence Act, 1872 (I of 1872).

The Indian Contract Act, 1872 (IX of 1872).

The Succession Certificate Act, 1889 (VII of 1889), sections 6 (1) (f), 8, 9, 10, 11, 12, 16, 18, 25 and 27.

The Indian Post Office Act, 1898 (VI of 1898).

##### (2) *Act of the Governor of Bombay in Council.*

The Bombay Prevention of Gambling Act, 1887 (IV of 1887).

[*Bombay Government Gazette*, 1912, Pt. I, p. 2240.]

Revenue Recovery  
Act, 1890.

*No. 1415-I, dated the 30th April 1890.*—Printed in Appendix XIV.

<sup>1</sup>Printed in Appendix III.

*Kathiawar Agency.*  
General and Bombay  
Acts applied.

No. 443-I.A., dated the 4th February 1897.—Printed in Appendix XVI. Epidemic Diseases Act, 1897.

<sup>1</sup> Dated the 11th June 1884.—Printed *infra*, page 195. Code of Criminal Procedure, 1898.

No. 8944, dated the 17th December 1912.—Printed *supra*, page 178. Indian Post Office Act, 1898.

No. 6613, dated the 6th October 1909.— \* \* The Governor in Council is also pleased to direct that the provisions of the Provincial Insolvency Act, 1907 (III of 1907), shall *mutatis mutandis* be followed generally by the Agency Courts in Kathiawar (including the Civil Stations). The Prant Courts shall be considered to be the District Courts for the purposes of the said Act. Provincial Insolvency Act, 1907

[Resolution of the Bombay Government.]

No. 6613, dated the 6th October 1909.—The Governor in Council is pleased to direct that the provisions of the Code of Civil Procedure, 1908 (V of 1908), shall be followed generally by the Agency Courts in Kathiawar (including the Civil Stations) *mutatis mutandis* and subject to the same conditions and restrictions as have hitherto governed<sup>2</sup> the application of the Code of Civil Procedure (XIV of 1882) in such Courts. The provisions of all amendments from time to time made in the Code of Civil Procedure, 1908, and of all rules from time to time made by the High Court of Bombay under Part X thereof, shall similarly be followed by such Courts except in cases where such rules are specifically declared inapplicable: provided that for the term "Advocate-General" in sections 91 to 93 of the Code of Civil Procedure, 1908, the term "Agent to the Governor, Kathiawar" shall be substituted. \* \*

Code of Civil Procedure, 1908.

[Resolution of the Bombay Government.]

No. 5702, dated the 25th August 1908.—Printed *supra*, page 60.

Explosive Substances Act, 1903.

*Application of provisions of Bombay Acts.*

No. 8944, dated the 17th December 1912.—Printed *supra*, page 178.

Bombay Prevention of Gambling Act, 1887.

<sup>1</sup> The Kathiawar Agency Criminal Court Rules, 1884. See Rule 14, printed at p. 195.

<sup>2</sup> As explained in Agency circulars of 1877 (Kathiawar Directory, Part II, pages 822 and 828) the Code is to be interpreted with due regard to the privileges of classes in political relation with the British Government, *e.g.*, Chiefs of the first four classes are allowed to be represented by recognised Agents, lands liable to tribute are not saleable in execution of decrees, Political Officers are to exercise the powers of a Collector under the Code in regard to the execution of decrees against the immovable property of a Talukdar, Bhayat, Mulgrassia or other person of the hereditary land-holder class.

*Dated 2nd October 1873.*— The following rules regarding valuation of suits and institution fees in the jurisdictional Civil Courts of the Kathiawar Political Agency are published in supersession of the circulars and notifications enumerated in a separate notification of this date, and are to take effect from the date of publication :—

I. The amount of fee payable in the suits next hereinafter mentioned shall be computed as follows.

II. In suits for money (including suits for damages or compensation or arrears of maintenance or arrears of annuities or of other sums payable periodically), according to the amount claimed.

III. In suits for maintenance and annuities or other sums payable periodically, according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year.

IV. In suits for moveable property other than money, where the subject-matter has a market value, according to such value at the date of representing the plaint.

V. In suits—

- (a) for moveable property where the subject has no market value, as instance in the case of documents relating to title ;
- (b) to enforce the right to share in any property on the ground that it is joint-family property ;
- (c) to obtain an injunction ;
- (d) for a right to some benefit (not herein otherwise provided for) to arise out of land ; and
- (e) for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

VI. In suits for the possession of land, houses and gardens, according to the value of the subject-matter ; and such value shall be deemed to be—

- (a) where the subject-matter is land—ten times the gross produce arising from the land during the year next before the date of presenting the plaint. The rate of one rupee per bigha or third part of an acre may be considered to be the average annual gross produce, unless the Court considers that the rate is obviously insufficient ;
- (b) where the subject-matter is a house or garden, according to the market value of the house or garden.

VII. In suits for *vero* or *manu mapu* or for the interest of an assignee of land revenue or for *haks* arising out of the land, ten times the gross produce.



VIII. In suits to set aside an attachment of land or of an interest in land or revenue, according to the amount for which the land or interest was attached :

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.

IX. In suits against a mortgagee for the recovery of the land mortgaged, and in suits by a mortgagee to foreclose the mortgage, according to the principal money expressed to be secured by the instrument of mortgage.

X. If the Court sees reason to think that the annual gross produce or the market value of any land, house or garden has been wrongly estimated, the Court may, for the purpose of computing the fee payable, issue a commission to any proper person directing him to make such local or other investigation as may be necessary and to report thereon to the Court.

XI. If, in the result of any such investigation, the Court finds that the gross produce or market value has been wrongfully estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee.

But if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the estimate been right.

In such case the suit shall be stayed until the additional fee is paid. If it is not paid within such time as the Court shall fix, the suit shall be dismissed.

XII. In suits for mesne profits, or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are in excess of the profits claimed or the amount at which the plaintiff valued the relief sought the decree shall not be executed until the difference between the fee actually paid and the proper fee (payable if the suit had comprised the whole of the profits or amount so decreed) shall have been paid to the Court.

XIII. Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profit so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable (had the suit comprised the whole of the profits so ascertained) is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

XIV. Every question relating to valuation, for the purposes of determining the amount of any fee chargeable under these rules on a plaint or

memorandum of appeal, shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit. But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided, to the loss of the Fee Fund, it may require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of Rule XI shall apply.

XV. If an appeal or plaint which has been rejected by the Lower Court is ordered to be received, or if a suit is remanded in appeal for a second decision by the Lower Court, which had thrown it out on a preliminary point, the Appellate Court shall grant to the appellant a certificate authorizing him to receive back the full amount of fee paid on the memorandum of appeal :

Provided that, if in the case of a remand on appeal the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

XVI. Where an application for a review of judgment is admitted and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back the fee paid on the application.

But nothing in this section shall entitle the applicant to such certificate where the reversal or modification is due, fully or in part, to fresh evidence which might have been produced at the original hearing.

XVII. When any appeal is presented to a Civil Court, not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and on the hearing of such appeal the respondent takes an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

[*Kathiawar Agency Gazette*, 1873, p. 258.]

Legal Practitioners  
(Practice and Re-  
muneration) Rules,  
1873.

*Dated 3rd October 1873.*—The following rules for the practice of pleaders in the jurisdictional Civil Courts of the Kathiawar Political Agency are published in supersession of those contained in the circulars and notifications enumerated in a separate notification of this date, and are to take effect as provided in the rules :—

1. A pleader or vakil shall not be allowed to act in any suit or proceeding until he has obtained from the party and filed in the Court a registered power-of-attorney (*vakalatnama*) according to the form contained in Appendix A appointing him pleader in the cause.

2. If a party engages a pleader to act in his behalf, he shall present him with one rupee as retaining fee, for which the pleader shall grant him a written acknowledgment, specifying the date of payment, and if the said retaining fee be not afforded, the pleader shall demand it, and abstain from all proceeding until it be delivered.

3. If after receiving the retaining fee a pleader shall engage with or act for the other party or refuse or omit to act on behalf of his client, he may be punished by a fine not exceeding Rs. 400 (four hundred) ; or if the matter in litigation be less than Rs. 250, then not exceeding twice the amount of the sum in dispute between the parties.

4. No order shall be passed under this rule except after an investigation in writing, nor by officers of lower degree than Assistant Political Agents in charge of Prants or States ; but the subordinate officers shall forward their proceedings to the Assistant Political Agent, who shall pass order, subject to appeal to the Political Agent's Court.

5. Where the circumstances are of an aggravated nature, the Political Agent will suspend the pleader or withdraw his *sanad*. No punishment inflicted under these rules shall protect pleaders from civil or criminal prosecution.

6. It shall be incumbent on a pleader, at the time of receiving from his clients any accounts, writings or documents, to give written receipts for them, and to restore them when required, under penalty of fine not exceeding Rs. 100, to be awarded by the officers described in Rule 4. If the circumstances are of an aggravated nature, the Political Agent will suspend the pleader, or withdraw his *sanad*.

7. Each pleader employed in prosecuting or defending an original suit, or a regular or special appeal, shall be entitled to a percentage on the amount sued for according to the rates specified in Appendix B, as a remuneration for his trouble in acting on behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled.

If an acknowledgment of the demand is entered, or a suit or appeal withdrawn without being brought to trial, the pleader shall be entitled to only one quarter of the established fee.

19. As against an opposite party, the fees may be considered costs of suits, but not so as between a pleader and his own client. A pleader shall be left to his remedy by regular suit against his own client. In the Civil Courts of lower grade than Deputy Assistant, vakil's fees shall not in any case be treated as costs of the suit.

10. The above rules shall not prevent an express agreement being entered into between pleader and client for either a larger or smaller sum than the established fee; but no excess over the established fee shall be levied as costs of the suit.

11. Any party may engage two or more pleaders to conduct his suit or defence, but the party found liable in cost shall not be answerable for more than the established fee of one pleader on behalf of the other party.

12. It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf on giving the Court notice in writing to that effect; but it shall not be competent to a pleader to withdraw from acting on behalf of his client without the consent or the special permission of the Court.

13. If a pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceedings in the suit shall be stayed for such time as the Court deems reasonable, to enable the party to transfer by endorsement or otherwise his power-of-attorney (either temporarily or until the suit is terminated) to another pleader, and any pleader absenting himself without written notice as above prescribed may be punished by fine not exceeding Rs. 100, to be adjudged by the officers designated in Rule 4.

14. In case of the resignation, dismissal or death of a pleader, proceedings in the suit shall in like manner be stayed.

15. It shall be lawful for a pleader (approved by the Political Agent for that purpose) to act on a general *vakalatnama* on behalf of a Chief of the 1st, 2nd, 3rd and 4th class, provided a duplicate be deposited. In all other cases the *vakalatnama* must be for the particular case, and general *vakalatnamas* will not be recognized.

16. \* \*

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<sup>1</sup> In modification of this rule Agency notification No. 43, dated the 10th August 1907, directs that "pleader's fees should be included as costs of civil suits in the Courts of the Thanadars."

## APPENDIX A.

## SEE RULE 1.

*Form of Power-of-Attorney to enable a Pleader to act in a suit.*

In the Court of

Suit for Rupees

Plaintiff,

against

Defendant.

I , Plaintiff (or Defendant, as the case may be), do hereby  
authorize to appear and act as pleader for me in the above  
suit Witness my hand, this day of 19 .

(Signed), or the mark of the Plaintiff or Defendant.

## APPENDIX B.

## SEE RULE 7.

*Statement showing the fees to which Pleaders are entitled for acting from the  
beginning till the end of a suit or regular or special appeal, including  
execution of decree, when there is no special rule or specific agreement.*

In suits for not more than Rs. 2,000 . . . . .	3 per cent.
In suits from Rs. 2,000 to Rs. 10,000 inclusive, on Rs. 2,000 as above, and on the remainder . . . . .	2 "
In suits from Rs. 10,000 to Rs. 20,000 inclusive, on Rs. 10,000 as above, and on the remainder . . . . .	1 "
In suits for more than Rs. 20,000, on Rs. 20,000 as above, and on the remainder . . . . .	$\frac{1}{2}$ "

[Kathiawar Agency Gazette, 1873, p. 256.]

No. 2, dated the 5th January 1874.—The following rules, published for Kathiawar Registration Rules, 1874.  
adoption by the officers of the Agency, take the place of, as they condense and  
amend, the various circulars about registration now in force.

It is hereby notified that if any State of the 1st or 2nd class agrees to  
adopt these rules within its territory, registrations by its appointed officers  
will be recognized by the Agency Courts from the date when the Political  
Agent shall, at the request of such State, publish such agreement in the  
*Kathiawar Agency Gazette*, and shall notify that the Registration Offices  
of such State are opened, and publish a list of the offices and the officials  
appointed to be Registrars or Sub-Registrars. The Agency Courts will  
cease to recognize the registrations of such State whenever the Political Agent  
shall, after due warning caused to be communicated to such State and in his  
opinion sufficient, publish in the *Kathiawar Agency Gazette* a notification  
directing them so to do.

It appears to be commonly supposed that, if a document is registered by the Agency, its purpose is thereupon recognized or confirmed by the Agency. This is a mistake. The Agency does not sanction a mortgage of a Girassia's lands because a registering officer registers the mortgage deed. It is sufficient to direct with reference to Circular No. 14 of 1868 that when a deed of sale or mortgage of land by a Girassia is presented for registration, the registering officer should accept it and report immediately to his official superior, when such orders will be issued as are necessary with reference to the engagement of the Chiefs on the subject.

1. These rules shall be called the Kathiawar Registration Rules. They shall come in force one month after publication.

2. Each Prant shall constitute a Registration District of the Agency. Sub-districts may be formed as the necessity for them is felt.

3. In every district there shall be a Registrar, and in every sub-district a Sub-Registrar.

Within the limits of the Pránts under their respective charges, which shall form their Registration Districts, the Assistant Political Agents shall be *ex-officio* Registrars, but may delegate to their Deputy Assistants, subject to appeal to the Assistant Political Agents, such of their duties, except the power of hearing appeals, as may seem fit.

4. The documents next hereinafter mentioned shall be registered —

- (1) Instruments of gift of immoveable property.
- (2) Other instruments which purport or operate to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of Rs. 100 and upwards, to or in immoveable property.
- (3) Instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and
- (4) Leases of immoveable property from year to year, or for any time exceeding one year or reserving a yearly rent.

5. Any of the documents next hereinafter mentioned may be registered :—

- (1) Instruments which purport to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than Rs. 100 to or in immoveable property.
- (2) Instruments acknowledging receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title or interest.

- (3) Leases of immoveable property for any term not exceeding one year.
- (4) Awards relating to immoveable property.
- (5) Instruments which purport or operate to create, declare, assign, limit, or extinguish any right, title to, or in moveable property.
- (6) Acknowledgments, Agreements, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Contracts, Grants, Instruments of Dissolution of Partnership, Instruments of Partition, Powers-of-Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

6. The registering officer may, in his discretion, refuse to accept for registration any document in which any interlineation, blank, erasure, or alteration appears, unless the persons executing the document attest them with their signature or initials. If he register such document, he shall, at the time of registering the same, make a note in the register of such blank or alteration.

7. No document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

Houses in towns shall be described as situate on the north or other side of the street to which they front, other houses and lands shall be described by their name, if any, situation, area, and the roads and other properties on which they abut.

If the description is sufficient to identify the property, the document may be registered.

8. No document required by section 4 to be registered, and no document mentioned in section 5, shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of execution :

Provided that, where there are several persons executing a document at different times, such document may be presented for registration within four months from the date of each execution.

9. If owing to urgent necessity or unavoidable accident, any document executed in Kathiawar is not presented for registration within the above period, the Registrar, in cases where the delay does not exceed four months, may direct that on payment of a fine not exceeding ten times the proper registration fee, the document shall be registered.

10. Every document mentioned in section 4, and in clauses 1, 2, 3 and 4 of section 5, shall be presented for registration in the office of the Registrar within whose district the whole or some portion of the property is situate.

Documents not relating to immoveable property may be presented either before the Registrar, or where a Sub-Registrar shall be so empowered, before the Sub-Registrar.

11. Every document to be registered under these rules, where such registration shall be compulsory or optional, shall be presented at the proper Registration Office by some person executing or claiming under the same, or by his representative or assign.

12. No document shall be registered unless the persons executing such document or their representative or assign or authorized agents, appear before the registering officer within the time allowed for representation.

13. The registering officer shall thereupon—

inquire whether or not such document was executed by the persons by whom it purports to have been executed, satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and

in the case of any person appearing as representative, assign or agent, satisfy himself of the right of such person so to appear.

14. If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all or their representatives admit the execution of the document, the registering officer shall register the document.

15. If all or any of the persons by whom the document purports to be executed deny its execution, or if any such person appears to be a minor, an idiot, or a lunatic, or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the registering officer shall refuse to register the document.

16. If any person presenting a document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, on receipt of the process fee, summon him to appear, and examine him under the provisions of the Code of Civil Procedure.

17. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.



18. All documents, duly registered under these rules, and relating to any property, whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property unless where the agreement or declaration has been accompanied or followed by delivery of possession.

19. No document whose registration is compulsory shall affect any immoveable property comprised therein, or be received as evidence of any transaction affecting such property, unless it has been registered in accordance with these rules.

20. Every Registrar shall keep—

- (1) Register of documents relating to immoveable property.
- (2) Record of reasons for refusal to register.
- (3) Miscellaneous register for documents not relating to immoveable property.

1. The day, hour, and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it; a receipt shall be given to the person presenting the same; and every document admitted to registration shall without unnecessary delay be copied in the proper book in proper order and indexed as may be prescribed.

22. On every document admitted to registration there should be endorsed the following particulars:—

- (1) The signature and address of every person admitting the execution of a document.
- (2) That of every person examined in reference to it.
- (3) Any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of condition, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

23. The registering officer shall affix the date and his signature to all endorsements made under the last preceding section relating to the same document and made in his presence on the same day.

24. When the provisions of these rules have been complied with, the registering officer shall endorse thereon a certificate containing the word "Registered," together with the number and page of the book in which the document has been copied. Such certificate shall be signed, sealed and dated by the registering officer and shall then be admissible for the purpose of

proving that the document has been duly registered in manner provided by these rules, and that the facts mentioned in the endorsements referred to in section 22 have occurred as therein mentioned.

The endorsements and certificate referred to in section 22 shall thereupon be copied into the margin of the Register Book.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented it.

25. Every registering officer refusing to register a document shall make an order of refusal and record his reasons in Book (2) and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document shall give him a copy of his reasons so recorded.

26. An appeal shall lie from Sub-Registrars to a Registrar.

27. When the Registrar has himself made an order of refusal, any person claiming under the document may, within thirty days after the making of the order of refusal, apply to the Political Agent's Court by petition, in order to establish his right to have the document registered.

28. The petition shall be dealt with as a plaint under the Code of Civil Procedure.

The Court shall fix a day for disposal and shall inquire—

- (1) whether the document has been executed, and
- (2) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration.

29. If it finds that the document has been executed and that the said requirements have been complied with, the Court shall order the document to be registered, and if the document be duly presented for registration within thirty days after the making of such order, the registration shall be made as hereinbefore provided.

30. The following table of fees shall apply to the registration of documents and other matters connected with these rules :—

	Rs.	A.	P.
Compulsory registration of documents affecting immoveable property : for every hundred words . . . . .	1	0	0
Minimum fee . . . . .	5	0	0
Optional registration of documents affecting immoveable property : for every hundred words . . . . .	0	4	0
Minimum fee . . . . .	1	4	0
Registration of documents affecting moveable property only : for every hundred words . . . . .	0	4	0

	Rs.	A.	P.
Minimum fee . . . . .	1	0	0
Searching for entry by registering officer: for every year of which the register or index is searched . . . . .	1	0	0
Granting copy of a document (besides copying fee) . . . . .	2	0	0

[*Kathiawar Agency Gazette*, 1874, p. 5.]

*No. 44, dated the 23rd December 1875.*—It is hereby notified by order of the Governor in Council that all salt not duly covered by a permit which shall be carried across the frontier line hereinafter described otherwise than by a route prescribed by the Governor in Council, and all salt spontaneously produced within and east of the said line which shall be removed without due permission, will, from the date of this notice, be contraband salt as defined in Bombay Act VII of 1873; and all persons concerned in passing, removing or transporting such salt, or accepting or retaining such salt and all such salt and all vessels, animals and conveyances used or intended to be used in transporting it, and all goods, packages and coverings in or among which it may be placed, will be liable to the penalties set forth in Part VI of the said Act.

2. All salt stored within ten miles of the said frontier line in excess of the quantity *bond fide* required for local consumption shall, from the date of this notice, be contraband and liable to confiscation, together with all goods, coverings, and packages among or in which it may be placed.

*Definition of the Salt Frontier south of the Frontier of Radhanpur.*

From the Runn opposite Radhanpur territory the line is to follow a course parallel to the coast of the Runn and at a distance of three miles therefrom, until it reaches the cart-track leading from Sultanpur to Uree; from this point it will proceed straight to the westernmost masonry pillar of the Patri-Bajana boundary; thence it will run due east, until it reaches the boundary of the Viramgam Taluka opposite the village of Gloria, leaving on its north the village sites of Sanlas, Salla, and Upariala, in the Bajana Taluka; it will thence follow the boundary between British territory and Kathiawar, until, after encircling the Dhandhuka pargana, it reaches the Gulf of Cambay at the Sundrai creek.

The following rules of procedure have been approved by His Excellency in Council :—

- I. For the maintenance of the Preventive line in Kathiawar, the Chiefs should be required to admit posts of officers of the Salt Department into such villages and places as the Political Agent may appoint at the instance of the Collector of Salt Revenue, and to

assist the Salt Officers to find accommodation in such villages and places in every reasonable way.

- II. The officers of the Salt Department should be permitted to follow and apprehend smugglers in Kathiawar, and to seize suspected salt, and carriages, animals and trappings used in its conveyance, and the contents of any package in which it may be concealed. And it shall be the duty of the officers making such apprehensions and seizures to take the prisoners and property forthwith to the Inspector to whom they are immediately subordinate, who, after such preliminary inquiry as may be necessary (to be in all cases completed within 24 hours), shall forward any prisoners who appear from the information obtained to have committed any offence punishable under this notification to the proper Court and shall release any prisoners, the evidence or reasonable ground of suspicion against whom appears insufficient to justify their transmission to a Court, submitting a report of the case for the orders of his immediate superior. Persons who may have been released from arrest under this rule by Inspectors of the Salt Department shall be liable to re-arrest and trial on application being made to the Political Officer in charge of the *prant* by the Assistant Collector of the Salt Revenue in charge of the Preventive line.
- III. It shall be the duty of the States concerned to cause their officers to take part in the pursuit and seizure of smugglers, etc., to prevent the storage of salt in contravention of Rule VII, and generally to assist the officers of the Salt Department. In the case of any seizure made by the Chief's officers apart from the officers of the Department, notice should be given to the head local officer of the Department to whom the salt and property seized should be made over, and opportunity should be given for such inquiry as may be necessary to ascertain whether the property seized is liable to confiscation.
- IV. The Salt Department should prosecute all persons accused of smuggling before the Local Court of the Chief or Agency. An appeal to the Political Agent, if he has jurisdiction over the Local Court, against the decision of the Court, whatever it may be, will be open both to the prosecutor and to the accused.
- V. Questions of confiscation of smuggled salt, etc., will be determined by the Collector of Salt Revenue subject to an appeal to Government.

VI. All fines levied, and the proceeds of all confiscations adjudged, shall be at the disposal of the Governor in Council for the purpose mentioned in section 61 of Bombay Act VII of 1873.

VII. The storing of salt in excess of quantities required for local consumption in villages within ten miles of the Preventive line is prohibited as in itself evidence of an intent to smuggle. Officers of the Salt Department may visit Kathiawar villages for the purpose of ascertaining whether any contravention of this prohibition has taken place, and will then be entitled to respect and assistance. Should it appear to an officer of the Salt Department of not lower rank than an Assistant Inspector that salt is so stored, the village patel and all superior authorities in the State shall, on the request of such officer, be bound to make effectual search for such salt and to record the result of such search in a report written at the time and signed by all officials of the State who are present. If such salt is found they shall detain it for adjudication by the Political Officer within whose charge the place where the salt is found may be, who shall, if he considers that the salt found is in excess of the quantity *bond fide* required for local consumption, pass an order for its summary confiscation together with all goods, packages or coverings in or among which it may be placed.

[*Kathiawar Agency Gazette*, 1875, p. 257.]

No. 3, dated the 7th March 1883.—The Public Prosecutor receives a monthly salary of Rupees 75 a month. He is also entitled to a fee of Rupees ten per diem for every day that he is actually engaged in criminal business in the Principal Court of Criminal Justice in Kathiawar. Public Prosecutor Rules, 1883.

2. In cases of unusual importance or difficulty or in which marked industry or ability has been displayed, the <sup>1</sup> [Judicial Assistant] can increase this fee to an amount not exceeding Rupees twenty-five per diem. A higher fee than Rupees twenty-five per diem may be granted only with the sanction of Government.

3. The Public Prosecutor's duties are ordinarily restricted to the <sup>1</sup> [Agent to the Governor's] Court and to the Principal Court of Criminal Justice, wherever they may be sitting; but when so required by the <sup>1</sup> [Agent to the Governor or by his Judicial Assistant] or by any Officer in charge of a Prant, and if his services are not required in the <sup>1</sup> [Agent to the Governor's] Court or in the Principal Court of Criminal Justice, he will appear in any Criminal

<sup>1</sup> Substituted by notification No. 70, dated the 16th November 1910. *Kathiawar Agency Gazette*, 1910, p. 315.

case in any Agency Court in the province.

4. The duties of the Public Prosecutor are :—

- (1) to prepare and watch prosecutions in trials before the Principal Court of Criminal Justice, and to take care that the necessary witnesses are in attendance,
- (2) to communicate with and advise Magistrates in respect to cases committed or to be committed for trial in the Principal Court of Criminal Justice,
- (3) to conduct prosecutions under the provisions of the Criminal Procedure Code before the Principal Court of Criminal Justice,
- (4) to originate or assume such prosecutions as he may be directed to originate or assume by the <sup>1</sup>[Agent to the Governor] or by the Officer presiding in the Principal Court of Criminal Justice, or by any Magistrate,
- (5) to bring to the notice of the <sup>1</sup>[Agent to the Governor] any special circumstances connected with any trial which seem to him to require attention.

5. If the Public Prosecutor is required to appear in any case in any Court (other than the <sup>1</sup>[Agent to the Governor's] Court or the Principal Court of Criminal Justice) situated elsewhere than at head-quarters, he is entitled to a fee to be fixed by the <sup>1</sup>[Agent to the Governor] according to the circumstances of each case, but not exceeding Rupees 50 per diem for each day that he is necessarily absent from head-quarters. This fee is inclusive of travelling and all other expenses.

6. If the Public Prosecutor leaves head-quarters on duty for which duty he receives no fee in addition to his pay, he is entitled to travelling allowance either at Rupees three a day for the period of his absence from head-quarters, or at four annas per mile travelled otherwise than by Railway and at 1½ annas per mile by Railway.

7. Notices of commitments and appeals under sections 218 and 422 of the Criminal Procedure Code will be given to the Public Prosecutor who will ordinarily conduct the prosecution in every trial before the Principal Court of Criminal Justice in accordance with section 270 of the Criminal Procedure Code, and appear for the prosecution at the hearing of any appeal before the <sup>1</sup>[Agent to the Governor's] Criminal Court, when Counsel, whether a Barrister or pleader, appears for the appellant, or when he is specially instructed by the Magistrate of the District under Section 492 of the Code. When so required

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<sup>1</sup>See footnote 1 on previous page.

by the Magistrate of the District (Officer in charge of a Prant) or by the <sup>1</sup>[Agent to the Governor or by his Judicial Assistant] it is his duty also to conduct the prosecution in any trial before a Magistrate as shown in Rule 3.

8. When under section 492 of the Criminal Procedure Code the <sup>1</sup>[Agent to the Governor] or a Magistrate of the District appoints any person in the absence of the Public Prosecutor, such person shall be entitled to the same fee as would be payable under Rule 1 of these Rules. But no such person shall be appointed by a Magistrate of the District without the concurrence of the <sup>1</sup>[Agent to the Governor]; and if for special reasons a higher rate of remuneration than the above is deemed necessary for the person whom it is proposed to appoint, the sanction of Government must be obtained before any liability is incurred.

9. When special counsel appears for the prosecution in any case before the <sup>1</sup>[Agent to the Governor's] Court or the Principal Court of Criminal Justice, the Public Prosecutor will appear also, and assist or instruct the special counsel as may be necessary.

10. If any Officer other than the Magistrate of a District (*e.g.*, Joint Administrators of a State) requires the services of the Public Prosecutor in any criminal case, application will be made to the <sup>1</sup>[Agent to the Governor], who will afford the services of the Public Prosecutor if available, and fix his remuneration in accordance with the above rules.

[*Kathiawar Agency Gazette*, 1883, p. 46.]

*Dated the 11th June 1884.*—The following revised rules for defining Kathiawar Agency and regulating the jurisdiction of the Criminal Courts of the Political Criminal Court Agency of Kathiawar are promulgated, under the orders of His Excellency the Governor of Bombay in Council, in supersession of all previous orders and notifications on the same subject:—

1. There shall be six classes of local Criminal Courts in the Political Classes of local Criminal Courts. Agency of Kathiawar, namely:—

- I.—The Chief Court of Criminal Justice:
- II.—The Criminal Court of the Political Agent:
- III.—Courts of Magistrates of the first class:
- IV.—Courts of Magistrates of the second class:
- V.—Courts of Magistrates of the third class:
- VI.—Courts of Magistrates of the fourth class.

<sup>1</sup>See footnote 1 on page 193.

2. The cases cognizable by each of the said Courts and the sentences or Jurisdiction and powers of the local orders which may be passed by them respectively shall be as follows, *viz.*—

Courts.	Cases cognizable.	Sentences or orders which may be passed.
I.—By the Chief Court of Criminal Justice.	Cases committed to it as the Provincial Court of Session by the Magistrates of the province and the State's Court empowered to commit, and cases brought before it by special arrangement with the State concerned or by order of Government.	Any sentence authorised by any law at the time in force in British India, except that a sentence of death shall be subject to confirmation by the Governor in Council.
II.—By the Criminal Court of the Political Agent.	Appeals from sentences or orders of the Magistrates of the province and cases referred to it by officers exercising the powers of District Magistrates or called for by itself for revision.	Any sentence or order which under the law at the time in force in British India a Sessions Court or High Court would be empowered to pass in the case before such Court.
III.—By Magistrates of the first class.	Cases cognizable under the law at the time in force in British India by Magistrates of the first and second class respectively.	Any sentence or order which under the law at the time in force in British India a Magistrate of the first or second class respectively would have power to pass.
IV.—By Magistrates of the second class.		
V.—By Magistrates of the third class.	Cases cognizable under the said law by Magistrates of the third class	Any sentence or order which under the law at the time in force in British India a Magistrate of the third class would have power to pass.
VI.—By Magistrates of the fourth class.	Ditto ditto.	Any sentence not exceeding the limit fixed by the Political Agent at the time of such Magistrate's appointment or subsequently.

3. The Chief Court of Criminal Justice shall consist of the Political Agent, or an Assistant Political Agent deputed by him, as President, with three or more members selected by the President from among the Talukdars and principal officers of the Durbar.

The Assistant Political Agent deputed to preside over the said Court shall ordinarily be the Judicial Assistant, but it shall be competent to the Political Agent whenever he thinks it expedient, to depute any of the Prant Assistants for the purpose.

4. The decision on all questions of procedure or law and on all intermediate points which arise at the hearing of any case in the Chief Court of Criminal Justice shall rest with the President.

Decisions of the said Court how to be determined.



Except as hereinafter provided the final order or sentence of the Court shall be decided by a majority of votes of the members of the Court; and in case of an equal division of votes, the President shall have a second or casting vote.

If the President disagrees with the majority of the members of the Court so completely that he considers it necessary for the ends of justice to submit the case to the Governor in Council, he shall submit the case accordingly, recording the grounds of his opinion and suspending the final order or sentence agreed to by the majority of the members of the Court. In any case so submitted the Governor in Council will, after causing further inquiry, if such shall appear necessary, pass such final order or sentence as he shall think proper.

5. The Chief Court of Criminal Justice shall be held at such times and places as the President, having regard to the convenient despatch of business, shall direct.

Sessions of the said Court when and where to be held.

6. The records of cases committed for trial to the Chief Court of Criminal Justice shall be forwarded direct to the Judicial Assistant Political Agent, who during the intervals when the said Court is not sitting, shall exercise in respect of such cases all the powers exerciseable under the law at the time in force in British India by a Sessions Judge :

Powers of the said Court by whom to be exercised when the Court is not sitting.

Provided that—

- (a) the Political Agent may himself, whenever he thinks fit, exercise the said powers in lieu of the Judicial Assistant ;
- (b) if any Assistant Political Agent other than the Judicial Assistant is deputed by the Political Agent to preside at the trial of any case by the said Court, the power aforesaid shall be exercised in respect of such a case by the Assistant so deputed, and not by the Judicial Assistant.

7. The Judicial Assistant Political Agent shall ordinarily be the Judge in the Criminal Court of the Political Agent and, except as hereafter provided his judgment or order in any case which comes before that Court shall be deemed to be the judgment or order of the Court :

Constitution and procedure of the Criminal Court of the Political Agent.

Provided that, if the judgment or order which is before the Court on appeal or for revision is that of an officer exercising the powers of a District Magistrate, or if in any case the Judicial Assistant deems the conduct of a

Magistrate to be deserving of censure, or if, in his opinion, any case involves a question of importance, he shall submit his judgment or order to the Political Agent, together with the record of the proceedings, for his countersignature before pronouncing the same. If the Political Agent countersigns the Judicial Assistant's judgment or order, it shall be the judgment or order of the Court. If the Political Agent does not concur in the judgment or order of the Judicial Assistant, he shall set it aside, and after having the case re-argued before himself, if he shall think it necessary, shall record his own judgment or order, which shall then be deemed to be the judgment or order of the Court.

What officers are to be Magistrates

8. The following officers shall be Magistrates of the four classes respectively, namely :—

- |  |   |
|--|---|
| 1. Assistant Political Agents in charge of <i>prants</i> .   | } Shall be Magistrates of the first class.  |
| 2. Assistant Political Agents in charge of States temporarily under the Agency.  |   |
| 3. Deputy Assistant Political Agents specially invested by the Political Agent with first class powers.  |   |
| 4. Deputy Assistant Political Agents not specially invested by the Political Agent with first class powers.  | } Shall be Magistrates of the second class. |
| 5. Thanadars specially invested by the Political Agent with second class powers.   |   |
| 6. Thanadars not specially invested by the Political Agent with second class powers, and whose magisterial powers have not been specially restricted by the Political Agent. | } Shall be Magistrates of the third class.  |
| 7. Thanadars whose magisterial powers are specially restricted by the Political Agent.   |   |
| 8. Officers inferior in rank to Thanadars, whom the Political Agent has invested with limited magisterial powers.  | } Shall be Magistrates of the fourth class. |

Every Assistant Political Agent in charge of a *prant* shall also exercise within such *prant* the powers of a District Magistrate under any law at the time in force in British India.

9. No appeal shall lie from any judgment or order of a Criminal Court except as provided for in these rules or by any law for the time being in force in the province.

Unless otherwise provided, no appeal to lie.

10. Any person who, in the spirit of section 89 of the Code of Criminal Procedure, 1882, has applied to any Court for the delivery of property or of the proceeds of the sale thereof, and whose application has been rejected, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeal from order rejecting application for restoration of attached property.

11. Any person required by a Magistrate, other than a District Magistrate, to give security for good behaviour may appeal to the District Magistrate.

Appeal from order requiring security for good behaviour.

12. Any person convicted on a trial held by any Magistrate of the second, third or fourth class may appeal to the District Magistrate or to any Magistrate of the first class empowered by the Political Agent to hear such appeals.

Appeal from sentences of Magistrate of the second, third or fourth class.

13. Any person convicted on a trial held by a District Magistrate or other Magistrate of the first class and any person sentenced by a District Magistrate under section 349 of the Code of Criminal Procedure, 1882, or under any other similar law at the time in force, may, except in cases in which the Magistrate passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding Rs. 50 only, or of whipping only, appeal to the Criminal Court of the Political Agent.

Appeal from sentence of District Magistrate or other Magistrate of the first class.

14. In all matters not expressly provided for in these rules, the Criminal Courts shall be guided, as regards procedure, by the spirit of the Criminal Procedure Code at the time in force in British India and by the Foreign Jurisdiction and Extradition Act at the time in force in India :

Laws to be observed by the Criminal Courts.

Provided that Deputy Assistant Political Agents invested by the Political Agent with first class magisterial powers shall not try cases summarily except with the special sanction of the Political Agent.

In convicting of offences and in the award of punishment the said Courts shall be guided by the Indian Penal Code and by any law at the time in force in the province.

15. The Governor in Council shall exercise the same powers of appeal and revision in regard to the decisions and proceedings of the Chief Court Criminal Justice as are exercised by a High Court over a Court of Session under the Code of Criminal Procedure.

16. All applications for the exercise of such powers must be presented to the Chief Court of Criminal Justice for transmission to Government within sixty days from the date of the decision or order complained against.

[*Kathiawar Agency Gazette*, 1884, p. 176.]

Salt Rules, 1884.

No. 32, dated the 15th July, 1884.—In continuation of notification<sup>1</sup> No. 44 of 23rd December 1875, the following notification regarding the arrangements for the storage and distribution of salt in Kathiawar along the British Frontier is published for general information under the authority of Government:—

1. Within the 10-mile belt referred to in paragraph 2 of notification<sup>1</sup> No. 44 of 1875, there shall only be maintained the depôts noted in the schedule attached.

2. In the depôts, exclusive of such as are at salt sources or works, the quantity of salt stored is to be regulated by the population as ascertained by the last census of the villages supplied from it, the average consumption per head being calculated at 12 lbs.

3. During the rainy season, *i.e.*, from 1st June to 1st October, salt sufficient for four months' consumption only may be stored in the salt depôts; at other seasons the amount stored is not to exceed what is sufficient for two months' consumption.

4. As far as is found feasible, a licensed vendor shall be established in each village who is to obtain salt on permit from the depôt which supplies his villages. Any licensed vendor obtaining salt from elsewhere to be liable to punishment in the spirit of <sup>2</sup>Bombay Act VII of 1873. Where there is no licensed vendor, villages may be supplied by licensed hawkers according to the existing practice.

5. Any person carrying salt for sale or for purposes other than personal consumption not covered by a permit shall be liable to punishment in the spirit of section 51 of the Act above referred to.

6. In all places where salt naturally forms, only so much as is required for *bond fide* consumption in Kathiawar may be collected and stored. All salt in excess of this amount or not required for storage as being of inferior quality to be destroyed.

7. The responsibility of carrying out the above rules rests, in States enjoying recognized jurisdiction, on the Durbars of those States and in Thana

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<sup>1</sup> Printed *supra*, p. 191.

<sup>2</sup> See now the Bombay Salt Act, 1890 (II of 1890), printed, Bombay Code, 3rd Ed., Vol. III, p. 1304.

Circles on the Government officials in charge of that Thana. All breaches of these rules to be punished in the spirit of the <sup>1</sup> Bombay Salt Act, VII of 1873.

8. Any breach or neglect of these rules should be considered to be a breach or neglect of the provisions of notification<sup>2</sup> No. 44 of 1875, and action should be taken in such cases as prescribed in Article VII of the said notification.

*Schedule.*

Bajana.	Vithalgad.	Talsana.	Jambu.
Ralot.	Balol.	Kamelpur.	Nagnes.
Karol.	Limbdī.	Chuda.	Sudamra.
Dhandhalpur.	Paliyad.		

[*Kathiawar Agency Gazette*, 1884, p. 194.]

No. 37, dated the 9th October 1889.—Not reprinted.

Prevention of Cruelty  
to Animals Rules,  
1889.

[*Kathiawar Agency Gazette*, 1889, p. 37.]

No. 7791, dated 12th December 1890.—With the sanction of the Governor-General of India in Council, the Governor of Bombay in Council is pleased to direct the introduction of the following Law of Limitation into the Kathiawar Political Agency, with effect from such date as may be fixed in this behalf by a notification published in the *Kathiawar Agency Gazette*, which date shall be not less than six months after the first publication of such notification.

Kathiawar Agency  
Limitation Law,  
1890.

PART I.

PRELIMINARY.

Short title.

1. (1) This law may be called "The Kathiawar Agency Limitation Law, 1890."

(2) It applies to all suits instituted, appeals presented and applications made in or to the Court of the Political Agent in Kathiawar or in or to any Court subordinate to the said Court or subject to the superintendence thereof, whether in the exercise of civil or criminal jurisdiction, and to all appeals from any decree or order of any of the Courts aforesaid, and to all applications founded on any decree, order or proceeding of any of those Courts.

<sup>1</sup> See now the Bombay Salt Act, 1890 (II of 1890), printed Bombay Code, 3rd Ed., Vol. III, p. 1304.

<sup>2</sup> Printed *supra*, p. 191.

(5) It shall come into force on such date as may be fixed in this behalf by a notification, published in the *Kathiawar Agency Gazette*, which date shall be not less than six months after the first publication of such notification.

Commencement.  
2. (1) On and from that day all rules of limitation hitherto deemed to be applicable to such suits, appeals and applications as aforesaid shall be repealed ; but nothing herein contained shall be deemed to affect any title fully acquired or to revive any right to sue barred under those rules or to affect the recognition, continuance or revival, in accordance with those rules, of any debt, engagement or obligation by any instrument or transaction made before this Law comes into force.

Repealing section.  
(2) Any suit in which the cause of action has accrued before the day on which this Law comes into force shall be brought within the period of limitation prescribed in the said rules or within the period prescribed by this Law for a similar suit of which the cause of action accrues on the said day, whichever shall end the sooner.

Suits of which cause of action has arisen before the date on which this Law comes into force.  
Definitions.  
3. In this Law, unless there be something repugnant in the subject or context,—  
' plaintiff ' includes also any person from or through whom a plaintiff derives his right to sue ; ' applicant ' includes also any person from or through whom an applicant derives his right to apply ; and ' defendant ' includes also any person from or through whom a defendant derives his liability to be sued :

' easement ' includes a right, not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another, or anything growing in, or attached to, or subsisting upon the land of another :

' bill of exchange ' includes also a hundi and a cheque :

' bond ' includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be :

' promissory note ' means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight :

' trustee ' does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title ;

'suit' does not include an appeal or an application :

'registered' means duly registered—

(a) within the meaning of the rules regulating or recognizing the registration of documents for the time being in force in the Kathiawar Agency, or

(b) under and according to any law made by the Governor General of India in Council or by the Governor in Council of Bombay :

and nothing shall be deemed to be done in 'good faith' which is not done with due care and attention.

## PART II.

### LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

4. Subject to the provisions contained in sections five to twenty-five (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the schedule hereto annexed shall be dismissed, although limitation has not been set up as a defence.

*Explanation.*—A suit is instituted in ordinary cases, when the plaint is presented to the proper officer ; in the case of a pauper, when his application for leave to sue as a pauper is filed ; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

### *Illustrations.*

(a) A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given for the plaintiff. The defendant appeals. The appellate Court must dismiss the suit.

(b) An appeal presented after the prescribed period is admitted and registered. The appeal shall, nevertheless, be dismissed.

5. (1) If the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens.

(2) Any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient

Proviso where Court is closed when period expires.

Proviso as to appeals and applications for review.

cause for not presenting the appeal or making the application within such period.

6. When, by any special law now or hereafter in force and in its nature applicable to the case, a period of limitation is specially prescribed for any suit, appeal or application, nothing herein contained shall affect or alter the period so prescribed.

7. If a person entitled to institute a suit or make an application be, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the schedule hereto annexed.

When he is at the time from which the period of limitation is to be reckoned affected by two such disabilities, or when before his disability has ceased he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

When his disability continues up to his death, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

When such representative is at the date of the death affected by any such disability, the rules that are contained in the first two paragraphs of this section shall apply.

Nothing in this section applies to suits to enforce rights of pre-emption or shall be deemed to extend for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

#### *Illustrations.*

(a) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accrual. He may institute his suit at any time within three years from the date of his attaining majority.



(b) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accrual. A has, under the ordinary law, only one year remaining within which to sue. But under this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority within which he may bring his suit.

(c) A right to sue accrues to Z during his minority. After the accrual, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(d) A right to sue accrues to X during his minority. X dies before attaining majority and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

(e) A right to sue for an hereditary office accrues to A, who at the time is insane. Six years after the accrual A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under this section.

(f) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accrual, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. This section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

8. When one of several joint-creditors or claimants is under any such Disability of one joint-creditor. disability, and when a discharge can be given without the concurrence of such person, time will run against them all; but where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others.

#### *Illustrations.*

(a) A incurs a debt to a firm, of which B, C and D are partners. B is insane and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(b) A incurs a debt to a firm, of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

Continuous running of time.

9. When once time has begun to run, no subsequent disability to sue stops it:

Provided that where letters of administration to the estate of a creditor have been granted to the debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration) for the purpose, of following in his or their hands such property shall be barred by any length of time.

11. (1) Suits instituted in any of the Courts aforesaid on contracts entered into in a place not subject to the jurisdiction of any of the said Courts are subject to the rules prescribed by this Law.

(2) No foreign rule of limitation shall be a defence to a suit instituted in any of the said Courts on a contract, entered into in any such place as aforesaid, unless the rule has extinguished the contract, and the parties were domiciled in such place during the period prescribed by such rule.

### PART III.

#### COMPUTATION OF PERIOD OF LIMITATION.

12. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal as a pauper and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed against or sought to be reviewed, shall be excluded.

(3) Where a decree is appealed against or sought to be reviewed, the time requisite for obtaining copy of the judgment on which it is founded shall also be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

13. In computing the period prescribed for any suit, the time during which the defendant has been absent from places subject to the jurisdiction of the Courts aforesaid shall, if during such time it has not been possible to serve a summons upon him, be excluded.

## 14. (1) In computing the period of limitation prescribed for any suit,

Exclusion of time of proceeding  
bond fide in Court without jurisdic-  
tion.

the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court, which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

## (2) In computing the period of limitation prescribed for a suit, proceed-

Like exclusion in case of  
order under Civil Procedure  
Code, section 20.

ings in which have been stayed by order under the Code of Civil Procedure,<sup>1</sup> section 20, the interval between the institution of the suit and the date of so staying proceedings, and the time requisite for going from the Court in which proceedings are stayed to the Court in which the suit is re-instituted shall be excluded.

## (3) In computing the period of limitation prescribed for any application

Like exclusion in case of  
application.

the time during which the applicant has been making another application for the same relief shall be excluded, where the last-mentioned application is made in good faith to a Court which, from defect of jurisdiction or other cause of a like nature, is unable to grant it.

*Explanation 1.*—In excluding the time during which a former suit or application was pending or being made, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

*Explanation 2.*—A plaintiff resisting an appeal presented on the ground of want of jurisdiction, shall be deemed to be prosecuting a suit within the meaning of this section.

## 15. In computing the period of limitation prescribed for any suit, the

Exclusion of time during  
which commencement of suit  
is stayed by injunction or  
order.

institution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

## 16. In computing the period of limitation prescribed for a suit for poss-

Exclusion of time during  
which judgment-debtor is at-  
tempting to set aside execution  
sale.

session by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a proceeding to set aside the sale shall be excluded.

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*See now Section 22, the Code of Civil Procedure, 1908.*

17. (1) When a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) When a person against whom, if he were living, a right to institute a suit or make an application would have accrued, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in the former part of this section applies to suits to enforce rights of pre-emption or to suits for the possession of immoveable property or of an hereditary office.

18. When any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded.

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application,

(a) against the person guilty of the fraud or accessory thereto, or,

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

19. (1) If before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the acknowledgment was so signed.

(2) When the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed. But oral evidence of its contents shall not be received.

*Explanation 1.*—For the purposes of this section, an acknowledgment may be sufficient, though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform, or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

*Explanation 2.*—In this section 'signed' means signed either personally or by an agent duly authorized in this behalf.

20. (1) When interest on a debt or legacy is before the expiration of the prescribed period paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

Effect of payment of interest as such.

or when part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

Effect of part-payment of principal.

a new period of limitation, according to the nature of the original liability shall be computed from the time when the payment was made :

Provided that in the case of part-payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

(2) Where mortgaged land is in the possession of the mortgagee, the receipt of the produce of such land shall be deemed to be a payment for the purpose of this section.

Effect of receipt of produce of mortgaged land.

21. Nothing in sections 19 and 20 renders one of several joint contractors, partners, executors or mortgagees etc., not chargeable by reason of acknowledgment or payment made by another of them. chargeable by reason only of a written acknowledgment signed, or of a payment made by, or by the agent of, any other or others of them.

22. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party :

Effect of substituting or adding new plaintiff or defendant.

Provided that when a plaintiff dies, and the suit is continued by his legal representative, it shall, as regards him, be deemed to have been instituted when it was instituted by the deceased plaintiff

Proviso where original plaintiff dies.

*Kathiawar Agency.*  
Local Regulations.

Provided also that, when a defendant dies, and the suit is continued against his legal representative, it shall, as regards him, be deemed to have been instituted when it was instituted against the deceased defendant.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract a fresh period of limitation begins to run, at every moment of the time during which the breach or the wrong, as the case may be, continues.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

#### *Illustrations.*

(a) A owns the surface of a field. B owns the subsoil. B digs coal there-out without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

(b) A speaks and publishes of B slanderous words not actionable in themselves without special damage caused thereby. C in consequence refuses to employ B as his clerk. The period of limitation in the case of a suit by B against A for compensation for the slander does not commence till the refusal.

25. All instruments shall, for the purposes of this law, be deemed to be made with reference to the Gregorian calendar.

#### *Illustrations.*

(a) A Hindu makes a promissory note bearing a native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiry of four months after date computed according to the Gregorian calendar.

(b) A Hindu makes a bond, bearing a native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiry of one year after date computed according to the Gregorian calendar.

## PART IV.

## ACQUISITION OF OWNERSHIP BY POSSESSION.

26. (1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement and as of right, without interruption, and for twenty years,

Acquisition of right to easements.

and where any way or water-course, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption and for twenty years,

the right to such access and use of light or air, way, water-course, use of water or other easement, shall be absolute and indefeasible.

(2) Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

*Explanation.*—Nothing is an interruption within the meaning of this section unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof, and of the persons making or authorizing the same to be made.

*Illustrations.*

(a) A suit is brought in 1881 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement, and as of right, without interruption, from 1st January 1860 to 1st January 1880. The plaintiff is entitled to judgment.

(b) In a like suit also brought in 1881 the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1858 to 1878. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(c) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had asked his leave to enjoy the right. The suit shall be dismissed.

27. Provided that, when any land or water upon, over, or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of

Exclusion in favour of reversioner  
of servient tenement.

such easement during the continuance of such interest or term, shall be excluded in the computation of the said last mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

*Illustration.*

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years ; but B shows that during ten of these years C, a Hindu widow, had a life-interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, situated within the local jurisdiction of any of the Courts aforesaid, his right to such property shall be extinguished.

THE SCHEDULE.

(See section 4.)

FIRST DIVISION : SUITS.

Description of Suit.	Period of limitation.	Time from which period begins to run.
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*Part I.*

*Three months.*

1.—For compensation for doing, or for omitting to do, an act alleged and in good faith intended to have been done in pursuance of a law applicable to the defendant.	Three months	When the act or omission takes place.
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*Part II.*

*Six months.*

I of 1877.	2.—By a person alleging violent dispossession for an order on that ground only for restitution.	Six months	When the dispossession occurs.
	3.—Under the Specific Relief Act, 1877, section 9, to recover possession of immoveable property.	Ditto	When the dispossession occurs.
XIX of 1882.	4.—Under the Code of Civil Procedure, Chapter XXXIX (of summary procedure on negotiable instruments).	Ditto	When the instrument sued upon becomes due and payable.



FIRST DIVISION : SUITS—*contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
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*Part III.**Two years.*

5.—Upon any enactment for a penalty or forfeiture incurred thereunder.	Two years	When the penalty or forfeiture is incurred.
6.—For the wages of a household servant, artisan or labourer.	Ditto .	When the wages accrue due.
7.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging-house.	Ditto .	When the food or drink is delivered.
8.—For the price of lodging . . . .	Ditto .	When the price becomes payable.
9.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto .	When the purchaser takes under the sale sought to be impeached physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
10.—By a person against whom an order is passed under sections 280, 281, 282 or 335 of the Code of Civil Procedure, to establish his right to, or to the present possession of, the property comprised in the order.	Ditto	The date of the order. XIV of 1882.
11.—To set aside a sale in execution of a decree of a Civil Court.	Ditto .	When the sale is confirmed or would otherwise have become final and conclusive had no such suit been brought.
12.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Ditto .	The date of the final decision or order in the case by a Court competent to determine it finally.
13.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	Ditto .	The date of the act or order.
14.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto .	When the payment is made.
15.—Against Government for compensation for land acquired for public purposes.	Ditto .	The date of determining the amount of the compensation.

FIRST DIVISION: SUITS—*contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
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*Part III.*

*Two years—contd.*

16.—Like suit for compensation when the acquisition is not completed.	Two years.	The date of the refusal to complete.
17.—For compensation for false imprisonment .	Ditto .	When the imprisonment ends.
18.—By the executors, administrators, or representatives of a person deceased in respect of any wrong committed within one year before his death for which such person might have sued.	Ditto .	The date of the death of the person wronged.
19.—By the executors, administrators or representatives for compensation to families for loss occasioned by the death of a person caused by actionable wrong.	Ditto .	The date of the death of the person killed.
20.—For compensation for any other injury to the person.	Ditto .	When the injury is committed.
21.—For compensation for a malicious prosecution.	Ditto .	When the plaintiff is acquitted or the prosecution is otherwise terminated.
22.—For compensation for libel . . . .	Ditto .	When the libel is published.
23.—For compensation for slander . . . .	Ditto .	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
24.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto .	When the loss occurs.
25.—For compensation for inducing a person to break a contract with the plaintiff.	Ditto .	The date of the breach.
26.—For compensation for an illegal, irregular or excessive distress.	Ditto .	The date of the distress.
27.—For compensation for wrongful seizure of moveable property under legal process.	Ditto .	The date of the seizure.

*Part IV.*

*Three years.*

28.—Against a carrier for compensation for losing or injuring goods.	Three years <sup>2</sup>	When the loss or injury occurs.
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FIRST DIVISION : SUITS—*contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
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*Part IV.**Three years—contd.*

9.—Against a carrier for compensation for delay in delivering goods.	Three years	When the goods ought to be delivered.
30.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Ditto . . .	When the perversion first becomes known to the person injured thereby.
31.—Against an executor, administrator or other representative of a person deceased in respect of any wrong committed by such person within one year before his death for which he might have been sued and for which a right of suit survives.	Ditto . . .	When the wrong complained of is done.
32.—For the recovery of a wife . . . . .	Ditto . . .	When possession is demanded and refused.
33.—For the restitution of conjugal rights . . . . .	Ditto . . .	When restitution is demanded and is refused by the husband or wife, being of full age and sound mind.
34.—For compensation for any malfeasance, misfeasance or non-feasance independent of contract and not herein specially provided for.	Ditto . . .	When the malfeasance, misfeasance or non-feasance takes place.

*Part V.**Five years.*

35.—For compensation for obstructing a way or a water-course.	Five years	The date of the obstruction.
36.—For compensation for diverting a water-course.	Ditto . . .	The date of the diversion.
37.—For compensation for trespass upon immoveable property.	Ditto . . .	The date of the trespass.
38.—For compensation for infringing copy-right or any other exclusive privilege.	Ditto . . .	The date of the infringement.
39.—To restrain waste . . . . .	Ditto . . .	When the waste begins.
40.—For compensation for injury caused by an injunction wrongfully obtained.	Ditto . . .	When the injunction ceases.

FIRST DIVISION : SUITS—*contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
<i>Part V.</i>		
<i>Five years—contd.</i>		
X of 1865. V of 1881.	41.—Of the nature referred to in the Indian Succession Act, 1865, section 320 or 321, or in the Probate and Administration Act, 1881, sections 139-140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Five years . The date of the payment or distribution.
	42.—By a ward, who has attained majority, to set aside a sale by his guardian.	Ditto . When the ward attains majority.
X of 1882.	43.—By any person bound by an order respecting the possession of property made under the Code of Criminal Procedure, Chapter XL, or by any person bound by an order such as is referred to in Article 2, or by any one claiming under such person to recover the property comprised in such order.	Ditto . From the date of the final order in the case.
	44.—For specific moveable property lost, or acquired by theft, or dishonest misappropriation, or conversion, or for compensation for wrongly taking or detaining the same.	Ditto . When the person having the right to the possession of the property first learns in whose possession it is.
	45.—For other specific moveable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Ditto . When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
	46.—For the hire of animals, vehicles, boats or household furniture.	Ditto . When the hire becomes payable.
	47.—For the balance of money advanced in payment of goods to be delivered.	Ditto . When the goods ought to be delivered.
	48.—For the price of goods sold and delivered where no fixed period of credit is agreed upon.	Ditto . The date of the delivery of the goods.
	49.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto . When the period of credit expires.

FIRST DIVISION: SUITS—*contd.**Kathiawar Agency.*  
Local Regulations.

Description of Suit.	Period of limitation.	Time from which period begins to run.
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*Part V.**Five years—contd.*

50.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Five years	When the period of the proposed bill elapses.
51.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto	The date of the sale.
52.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Ditto .	When the work is done.
53.—For money payable for money lent.	Ditto .	When the loan is made.
54.—Like suit when the lender has given a cheque for the money.	Ditto .	When the cheque is paid.
55.—For money lent under an agreement that it shall be payable on demand.	Ditto .	When the loan is made.
56.—For money deposited under an agreement that it shall be payable on demand.	Ditto .	When the demand is made.
57.—For money payable to the plaintiff for money paid for the defendant.	Ditto .	When the money is paid.
58.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto .	When the money is received.
59.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto .	When the interest becomes due.
60.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto	When the accounts are stated in writing, signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.

FIRST DIVISION : SUITS—*contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
<i>Part V.</i>		
<i>Five years—contd.</i>		
61.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Five years .	When the time specified arrives or the contingency happens.
62.—On a single bond where a day is specified for payment.	Ditto .	The day so specified.
63.—On a single bond where no such day is specified.	Ditto .	The date of executing the bond
64.—On a bond subject to a condition .	Ditto .	When the condition is broken.
65.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto .	When the bill or note falls due.
66.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Ditto .	When the bill is presented.
67.—On a bill of exchange accepted payable at a particular place.	Ditto .	When the bill is presented at that place.
68.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto .	When the fixed time expires.
69.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto	The date of the bill or note.
70.—On a promissory note or bond payable by instalments.	Ditto .	The expiration of the first term of payment, as to the part then payable; and for the other parts, the expiration of the respective terms of payment.
71.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one instalment, the whole shall be due.	Ditto .	When the first default is made unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
72.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto .	The date of the delivery to the payee.

FIRST DIVISION : SUITS -- *contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
<i>Part V.</i>		
<i>Five years -- contd.</i>		
73.—On a dishonoured foreign bill where protest has been made and notice given.	Five years	When the notice is given.
74.—By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Ditto	The date of the refusal to accept.
75.—By the acceptor of an accommodation-bill against the drawer.	Ditto	When the acceptor pays the amount of the bill.
76.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Ditto	When the bill, note or bond becomes payable.
77.—By a surety against the principal debtor.	Ditto	When the surety pays the creditor.
78.—By a surety against a co-surety	Ditto	When the surety pays anything in excess of his own share.
79.—Upon any other contract to indemnify	Ditto	When the plaintiff is actually indemnified.
80.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto	The date of the termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
81.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
82.—On a policy of increase when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Ditto	When proof of the death or loss is given or received to or by the insurers whether by or from the plaintiff or any other person.
83.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto	When the insurers elect to avoid the policy.
84.—Against a factor for an account	Ditto	When the account is, during the continuance of the agency, demanded and refused, or where no such demand is made when the agency terminates.

FIRST DIVISION: SUITS—*contd.*

Description of Suit.	Period of limitation	Time from which period begins to run.
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*Part V.*

*Five years—contd.*

85.—By a principal against his agent for moveable property received by the latter and not accounted for.	Five years	When the account is during the continuance of the agency demanded and refused, or where no such demand is made when the agency terminates.
86.—Other suits by principals against agents for neglect or misconduct.	Ditto	When the neglect or misconduct becomes known to the plaintiff.
87.—To cancel or set aside an instrument not otherwise provided for.	Ditto	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
88.—To declare the forgery of an instrument issued or registered.	Ditto	When the issue or registration becomes known to the plaintiff.
89.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Ditto	The date of the attempt.
90.—For property which the plaintiff has conveyed while insane.	Ditto	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
91.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Ditto	When the fraud becomes known to the party wronged.
92.—For relief on the ground of mistake.	Ditto	When the mistake becomes known to the plaintiff.
93.—For money paid upon an existing consideration which afterwards fails.	Ditto	The date of the failure.
94.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto	The date of the trustee's death or if the loss has not then resulted, the date of the loss.
95.—For contribution by a party who has paid the whole amount due under a joint decree, or by a sharer in a joint estate, who has paid the whole amount of revenue due from himself and his co-sharers.	Ditto	The date of the plaintiff's advance in excess of his own share.
96.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto	When the right to contribution accrues.



FIRST DIVISION : SUITS—*contd.**Kathiawar Agency.*  
Local Regulations.

Description of Suit.	Period of limitation.	Time from which period begins to run.
<i>Part V.</i>		
<i>Five years—contd.</i>		
97.—For a seaman's wages . . . .	Five years .	The end of the voyage during which the wages are earned.
98.—For wages not otherwise expressly provided for by this schedule.	Ditto .	When the wages accrue due.
99.—By a Muhammadan for exigible dower ( <i>mu'dajjal</i> ).	Ditto .	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
100.—By a Muhammadan for deferred dower ( <i>mu'dajjal</i> ).	Ditto .	When the marriage is dissolved by death or divorce.
101.—By a mortgagor after the mortgagee has been satisfied, to recover surplus collections received by the mortgagee.	Ditto .	When the mortgagor re-enters on the mortgaged property.
102.—For an account and a share of the profits of a dissolved partnership.	Ditto .	The date of the dissolution.
103.—By the manager of a joint estate of an undivided family for contribution in respect of a payment made by him on account of the estate.	Ditto .	The date of the payment.
104.—By a lessor for the value of trees cut down by his leases contrary to the terms of the lease.	Ditto .	When the trees are cut down.
105.—For the profits of immoveable property belonging to the plaintiff which have been wrongfully received by the defendant.	Ditto .	When the profits are received or where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, when he recovers possession.
106.—For arrears of rent . . . .	Ditto .	When the arrears become due.
107.—By a vendor of immoveable property to enforce his lien for unpaid purchase-money.	Ditto .	The time fixed for completing the sale or (where the title is accepted after the time fixed for completion) the date of the acceptance.
108.—For a call by a company registered under any enactment.	Ditto .	When the call is payable.

FIRST DIVISION : SUITS—*contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
<i>Part V.</i>		
<i>Five years—concl.</i>		
109.—For specific performance of a contract.	Five years	The date fixed for the performance, or if no such date is fixed when the plaintiff has notice that performance is refused.
110.—For the rescission of a contract	Ditto .	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
111.—For compensation for the breach of any contract, express or implied, not in writing registered, and not herein specially provided for.	Ditto .	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.
<i>Part VI.</i>		
<i>Six years.</i>		
112.—For compensation for the breach of a contract in writing registered.	Six years	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
113.—Upon a foreign judgment as defined in the Code of Civil Procedure.	Ditto .	The date of the judgment.
114.—To obtain a declaration that an alleged adoption is invalid, or never in fact took place.	Ditto .	When the alleged adoption becomes known to the plaintiff.
115.—To obtain a declaration that an adoption is valid.	Ditto .	When the rights of the adopted as such are interfered with.
<i>Part VII.</i>		
<i>Twelve years.</i>		
116.—Suit for which no period of limitation is provided elsewhere in this schedule.	Twelve years .	When the right to sue accrues.
117.—Upon a judgment obtained in another court, or a recognizance, when such a suit lies.	Ditto .	The date of the judgment or recognizance.

FIRST DIVISION : SUITS—*contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
<i>Part VII—contd.</i>		
<i>Twelve years—contd.</i>		
118.—For a legacy or for a share of a residue bequeathed by a testator or for a distributive share of the property of an intestate.	Twelve years .	When the legacy or share becomes payable or deliverable.
119.—For possession of an hereditary office.	Ditto .	When the defendant takes possession of the office adversely to the plaintiff. <i>Explanation.</i> —An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
120.—Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her remarriage.	Ditto .	The date of the alienation.
121.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Ditto .	When the alienee takes possession of the property.
122.—By a person excluded from joint family property to enforce a right to share therein.	Ditto	When the exclusion becomes known to the plaintiff.
123.—By a Hindu for arrears of maintenance.	Ditto .	When the arrears are payable.
124.—By a Hindu for a declaration of his right to maintenance.	Ditto .	When the right is denied.
125.—For the resumption of assessment of rent-free land.	Ditto	When the right to resume or assess the land first accrues.
126.—To establish a periodically recurring right.	Ditto .	When the plaintiff is first refused the enjoyment of the right.
127.—To enforce payment of money charged upon immoveable property.	Ditto .	When the money sued for becomes due.

FIRST DIVISION : SUITS—*contd.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
<i>Part VII.</i>		
<i>Twelve years—contd.</i>		
<i>Explanation.</i> —The allowance and fees respectively called <i>malikana</i> and <i>haggs</i> shall, for the purpose of this clause, be deemed to be money charged upon immoveable property.		
128.—To recover moveable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depository or pawnee for a valuable consideration.	Twelve years .	The date of the purchase.
129.—To recover possession of immoveable property conveyed or bequeathed in trust or mortgaged and afterwards purchased from the trustee or mortgagee for a valuable consideration.	Ditto .	Ditto.
130.—Suit by a mortgagee for possession of immoveable property mortgaged.	Ditto .	When the mortgagor's right to possession determines.
131.—By a purchaser at a private sale for possession of immoveable property sold, when the vendor was out of possession at the date of the sale.	Ditto .	When the vendor is first entitled to possession.
132.—Like suit by a purchaser at a sale in execution of a decree when the judgment-debtor was out of possession at the date of the sale.	Ditto .	When the judgment-debtor is first entitled to possession.
133.—By a purchaser of land at a sale in execution of a decree, for possession of the purchased land when the judgment-debtor was in possession at the date of the sale.	Ditto .	The date of the sale.
134.—By a landlord to recover possession from a tenant.	Ditto .	When the tenancy is determined.
135.—By a remainder-man, a reversioner (other than a landlord), or a devisee, for possession of immoveable property.	Ditto .	When his estate falls into possession.
136.—Like suit by a Hindu or Muhammadan entitled to the possession of immoveable property on the death of a Hindu or Muhammadan female.	Ditto .	When the female dies.

FIRST DIVISION : SUITS—*concl'd.**Kathiawar Agency.*  
Local Regulations.

Description of Suit.	Period of limitation.	Time from which period begins to run.
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*Part VII.**Twelve years—concl'd.*

137.—For possession of immoveable property, when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Twelve years	The date of the dispossession or discontinuance.
138.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto .	When the forfeiture is incurred or the condition is broken.
139.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto .	When the possession of the defendant becomes adverse to the plaintiff.

*Part VIII.**Thirty years.*

140.—Against a depository or pawnee to recover moveable property deposited or pawned.	Thirty years .	The date of the deposit or pawn.
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*Part IX.**Sixty years.*

141.—By a mortgagee for foreclosure of sale.	Sixty years .	When the money secured by the mortgage becomes due.
142.—Against a mortgagee to redeem or to recover possession of immoveable property mortgaged.	Ditto .	When the right to redeem or to recover possession accrues.
143.—Any suit by or on behalf of the Secretary of State for India in Council.	Ditto .	When the period of limitation would begin to run under this Act against a like suit by a private person.

## SECOND DIVISION APPEALS.

Description of Appeal.	Period of limitation.	Time from which period begins to run.
144.—Under the Code of Criminal Procedure from a sentence of death passed by a Criminal Court.	Twenty-one days	The date of the sentence.
145.—Under the Code of Civil Procedure to the Court of the Political Agent.	Thirty days .	The date of the decree or order appealed against.

SECOND DIVISION : APPEALS—*concl'd.*

Description of Appeal.	Period of limitation.	Time from which period begins to run.
146.—Under the Code of Criminal Procedure to any Court other than the Government of Bombay.	Thirty days	The date of the sentence or order appealed against.
147.—Under the same Code to the Government of Bombay except in the cases provided for by Nos. 144 and 149.	Sixty days	The date of the sentence or order appealed against.
148.—Under the Code of Civil Procedure to the Government of Bombay except in the cases otherwise expressly provided for.	Ninety days	The date of the decree or order appealed against.
149.—Under the Code of Criminal Procedure from a judgment of acquittal.	Six months	The date of the judgment appealed against.

THIRD DIVISION : APPLICATIONS.

Description of Application.	Period of limitation.	Time from which period begins to run.
150.—Under the Code of Civil Procedure to set aside an award.	Twenty days	When the award is submitted to the Court.
151.—For leave to appear and defend a suit under <sup>1</sup> Chapter XXXIX of the Code of Civil Procedure.	Ditto	When the summons is served.
152.—For an order under <sup>2</sup> section 629 of the same Code restoring to the file a rejected application for review.	Ditto	When the application for review is rejected.
153.—By a plaintiff for an order to set aside a dismissal by default.	Sixty days	The date of the dismissal.
154.—By a defendant for an order to set aside a judgment <i>ex parte</i> .	Ditto	The date of executing any process for enforcing the judgment.
155.—Under the Code of Civil Procedure, by a person dispossessed of immovable property, and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.	Ditto	The date of the dispossession.
156.—To set aside a sale in execution of a decree, on the ground of irregularity in publishing or conducting the sale or on the ground that the decree-holder has purchased without the permission of the Court.	Ditto	The date of the sale.

<sup>1</sup> See now Order XXXVII, }  
<sup>2</sup> See now Rule 7 of Order XLVII } in the First Schedule to the Code of Civil Procedure, 1908.

THIRD DIVISION : APPLICATIONS—*contd.*

Description of Application.	Period of limitation.	Time from which period begins to run.
157.—Complaining of resistance or obstruction to delivery of possession of immoveable property decreed or sold in execution of a decree, or of dispossession in the delivery of possession to the decree-holder or the purchaser of such property.	Sixty days	The date of the resistance, obstruction or dispossession.
158.—For re-admission of an appeal dismissed for want of prosecution.	Ditto	The date of the dismissal.
159.—For a re-hearing of an appeal heard <i>ex parte</i> in the absence of the respondent.	Ditto	The date of the decree in appeal.
160.—For leave to appeal as a pauper . . .	Ditto	The date of the decree appealed against.
161.—Under <sup>1</sup> section 371 of the Code of Civil Procedure or under that section and <sup>2</sup> section 582 of the same Code for an order to set aside an order for abatement or dismissal.	Four months	The date of the order for abatement or dismissal.
162.—By a purchaser at an execution sale to set aside the sale on the ground that the person whose interest in the property purported to be sold had no saleable interest therein.	Ditto	The date of the sale.
163.—For a review of judgment, or for the exercise of extraordinary jurisdiction.	Ninety days	The date of the decree or order.
164.—For the issue of a notice under <sup>3</sup> section 258 of the same Code to show cause why the payment or adjustment therein mentioned should not be recorded as certified.	Six months	When the payment or adjustment is made.
165.—By a creditor of an insolvent judgment-debtor under <sup>4</sup> section 353 of the Code of Civil Procedure.	Ditto	The date of the publication of the schedule.
166.—For payment of the amount of a decree by instalments	Ditto	The date of the decree.

<sup>1</sup> See now Rule 9 of Order XXII }<sup>2</sup> See now Rule 1 of Order XLIII } in the First Schedule to the Code of Civil Procedure, 1903.<sup>3</sup> See now Rule 2 of Order XXI }<sup>4</sup> See now section 24 of Act III of 1907.

THIRD DIVISION : APPLICATIONS—*contd.*

Description of Application.	Period of limitation.	Time from which period begins to run.
167.—Under <sup>1</sup> section 365 of the Code of Civil Procedure by the legal representative of a deceased plaintiff, or under that section and section 582 of the same Code by the legal representative of a deceased plaintiff-appellant or defendant-appellant.	Six months	The date of the death of the deceased plaintiff or of the deceased plaintiff-appellant or defendant-appellant.
168.—Under section <sup>1</sup> 366 of the Code of Civil Procedure by a defendant, or under that section and section 582 of the same Code by a plaintiff-respondent or defendant-respondent.	Ditto	The date of the death of the deceased plaintiff or of the deceased defendant-appellant or plaintiff-appellant.
169.—Under <sup>2</sup> section 368 of the Code of Civil Procedure to have the legal representative of a deceased defendant made a defendant, or under that section and section 582 of the same Code to have the legal representative of a deceased plaintiff-respondent or defendant-respondent made a plaintiff-respondent or defendant-respondent.	Ditto	The date of the death of the deceased defendant or of the deceased plaintiff-respondent or defendant-respondent.
170.—Under the Code of Civil Procedure, <sup>3</sup> section 516 or 525, that an award be filed in Court.	Ditto	The date of the award.
171.—Applications for which no period of limitation is provided elsewhere in this schedule, or by the Code of Civil Procedure, <sup>4</sup> section 230.	Five years	When the right to apply accrues.
172.—For the execution of a decree or order of any Civil Court not provided for by No. 173 or by the Code of Civil Procedure, <sup>4</sup> section 230.	Five years, or where a certified copy of the decree or order has been registered, six years.	1. The date of the decree or order, or 2. (Where there has been an appeal) the date of the final decree or order of the Appellate Court, or 3. (Where there has been a review of judgment) the date of the decision passed on the review, or 4. (Where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution, or to take some step in aid of execution of the decree or order, or

<sup>1</sup> See now Rule 3 } of Order XXII in the First Schedule to the Code of Civil Procedure, 1908.

<sup>2</sup> See now Rule 4 }

<sup>3</sup> See now paragraphs 10 and 20 of the Second Schedule to the Code of Civil Procedure, 1908.

<sup>4</sup> See now section 48 of the Code of Civil Procedure, 1908.



THIRD DIVISION : APPLICATIONS—*contd.*

Description of Application.	Period of limitation.	Time from which period begins to run.
172.—For the execution of a decree or order of any Civil Court not provided for by No. 173 or by the Code of Civil Procedure, section 230— <i>contd.</i>	Five years or where a certified copy of the decree or order has been registered, six years.	<p>5. (Where the notice next hereinafter mentioned has been issued) the date of issuing a notice under the Code of Civil Procedure, section 248, or</p> <p>6. (Where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date.</p> <p><i>Explanation I.</i>—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned in clause 4 of this number shall take effect in favour only of such of the said persons or their representatives as it may be made by. But when the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.</p> <p>Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter or payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all.</p> <p><i>Explanation II.</i>—"Proper Court" means the Court, whose duty it is (whether under section 226 or 227 of the Code of Civil Procedure or otherwise) to execute the decree order.</p>

<sup>1</sup>See now Rule 22 of Order XXI } in the First Schedule to the Code of Civil Procedure,<sup>2</sup>See now Rules dated 8 and 9 of Order XXI } 1908.

THIRD DIVISION : APPLICATIONS—*concl'd.*

Description of Application.	Period of limitation.	Time from which period begins to run.
173.—To enforce an order of the Secretary of State for India in Council.	Twelve years .	When a present right to enforce the order accrues to some person capable of releasing the right : Provided that when the order has been revived, or some part of the principal money secured thereby or some interest on such money has been paid or some acknowledgment of the right thereto has been given in writing, signed by the person liable to pay such principal or interest, or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.

[ *Bombay Government Gazette*, 1890, Pt. I, p. 1861.]

Publication of newspapers and other printed works.

*No. 2651-I, dated the 25th June 1891.*—Printed in Appendix XV.

Giras Lands (Sale and Mortgage) Rules, 1891.

*No. 49, dated the 4th November, 1891.*—The following revised rules regarding the sale and mortgage of Giras lands, which have been sanctioned by Government, are published for general information :—

*Rules.*

1. A Girassia is only at liberty to sell his Giras to his collaterals or to his Talukdar. The right of pre-emption rests with the former, and before the Talukdar can be the purchaser, it must be proved that the collaterals have been given the opportunity to buy the Giras.

2. A Girassia is at liberty to mortgage his Giras either to his collaterals or to his Talukdar or to other parties, such as bankers and merchants.

Property thus mortgaged may, until a final decree of foreclosure or sale has been pronounced, be redeemed by payment of such sum on account of

principal, interest and costs, (less such sums received or realized or as ought to have been realized by the mortgagee) as the Court shall deem equitable. In the case of any suit brought by a mortgagee for foreclosure or sale, a co-Girassia of the defendant, and failing such co-Girassia, the Talukdar, may redeem the property when the defendant is unable or unwilling to do so and on the same terms on which such defendant might have redeemed. The co-Girassia or Talukdar redeeming as aforesaid shall have such rights against the mortgagor Girassia and over the property redeemed as the Court shall deem equitable.

3. Sales and mortgages by Girassias to Darbars shall in future be effected by deeds submitted to the Prant Officers, and when approved by them, sent on for registration to the Rajasthanik Court. In case of sales, the applications will be forwarded to the Political Agent for final sanction as hitherto.

4. In cases wherein through deception, surprise, oppression or undue influence an unfair advantage appears to have been gained by a party to a sale, mortgage or lease, the Court shall have jurisdiction to rectify the terms of the transaction, and to adjudicate between the parties to such effect as in the circumstances of the case shall seem equitable.

5. No cases already decided by the Court shall be reopened for want of the observance of these rules.

[*Kathiawar Agency Gazette*, 1891, p. 253.]

No. 1965, dated the 14th March 1896.—With the sanction of the Governor General in Council, the Governor of Bombay in Council is pleased to direct the introduction of the following Police Law into the Kathiawar Political Agency, with effect from such date<sup>1</sup> as may be fixed in this behalf by a notification, published in the *Kathiawar Agency Gazette*, which date shall be not less than six months after the first publication of such notification :—

## KATHIAWAR AGENCY POLICE LAW, 1896.

### CHAPTER I.

#### *Preliminary.*

Short title.

1. (1) This Law may be called the Kathiawar Agency Police Law, 1896.

(2) Section 2 extends to the whole of the Province of Kathiawar.

2. (1) In every area in the said Province in which the Governor General in Council exercises for the time being exclusive jurisdiction, the whole of this Law shall come into force at once.

<sup>1</sup>The 1st October 1896 was so fixed by Agency notification No. 18, dated the 24th March 1895.

(2) In the portions of the said Province in which the Governor General in Council does not exercise exclusive jurisdiction this Law shall come into force from such day, in such area and subject to such modifications as the Political Agent in Kathiawar, subject to the sanction of the Governor in Council, may, by notification in the *Kathiawar Agency Gazette*, from time to time specify in this behalf.

(3) The Political Agent in Kathiawar, subject to the sanction of the Governor in Council, may, at any time by notification in the *Kathiawar Agency Gazette*, withdraw from operation, or for such period as he deems fit, suspend, the operation of this Law or of any provisions thereof specified in such notification in any area in the said Province.

3. In this Law, unless there be something repugnant in the subject or context,—  
Definition,

- (a) "The Criminal Procedure Code" means the Code of Criminal Procedure of 1882, being Act X of 1882 of the Acts of the Governor General in Council, as amended for the time being by subsequent enactments and subject to all such restrictions and modifications as the Governor in Council may from time to time prescribe in respect thereof, in order to adapt the same to local circumstances ;
- (b) "Political Agent," "Prant Officer," and "Superintendent of Agency Police" mean, respectively, "the Political Agent, Kathiawar," "the Assistant Political Agent in charge of a Prant," and "the Superintendent of Agency Police, Kathiawar";
- (c) "Police Officer" means any member of the Kathiawar Agency Police ;
- (d) "Constable" means a police-officer of the lowest grade ;
- (e) "District" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1882 ;
- (f) "Street" includes any highway and the way over any causeway, bridge, viaduct, arch, quay, or wharf and any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not ;
- (g) "Cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine ;
- (h) Words and expressions which are defined in the Code of Criminal Procedure, 1882, have the same meaning as in that Code.

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<sup>1</sup> The 1st October 1896 was so fixed by Agency notification No. 18, dated the 24th March 1896.

## CHAPTER II.

## ORGANIZATION OF POLICE.

*General.*

4. In any area in which this Law or any part thereof is for the time being in force, Government may, subject to the control of the Governor General in Council, establish and entertain a police force with such duties, rights and authority as are hereinafter prescribed and provided for, and receiving such salaries and allowances as shall from time to time be directed and approved by the authorities aforesaid.

Power of Government to entertain and prescribe duties of police force.

5. In any area in which this Regulation or any part thereof is for the time being in force, Government may appoint a Superintendent who shall be an *ex-officio* Assistant Political Agent and such Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Appointment of Superintendent and Assistant Superintendents.

6. Throughout the territories to which this Law extends, the Political Agent shall have all the powers of a District Magistrate as defined in the Criminal Procedure Code.

Political Agent to have magisterial powers.

7. The Political Agent may, subject to the rules and orders of Government, appoint such Inspectors and Chief Constables as shall be necessary for the service of each district.

Appointment of Inspectors and Chief Constables.

8. Police-officers below the grade of Chief Constable shall be appointed by the Superintendent, subject to such rules as to sanction, designations, mutual relations and conditions of service as Government may from time to time prescribe.

Appointment of Police-officers below the grade of Chief Constable.

9. Inspectors and Chief Constables shall, on appointment, receive from the Political Agent a certificate of appointment containing particulars of his race, name, age, caste or religion and of his previous service, if any.

Certificates of appointment to be given to Inspectors and Chief Constables.

10. (1) Every police-officer below the grade of Chief Constable shall, on enrolment, receive a certificate in the form of Schedule A under the seal of the Superintendent of Police.

Certificates of office to be given to police-officers below the grade of Chief Constable.

(2) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a police-officer.  
Powers, etc., of persons appointed as aforesaid.

(3) (a) Every certificate of appointment shall become null and void whenever the person named therein for any reason ceases to belong to the police.  
Such certificates when to become null and void.

(b) The powers, functions and privileges vested in a police-officer shall be temporarily suspended whilst such police-officer is suspended from office. Such police-officer shall not by reason of such suspension cease to be a police-officer, but shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.  
Temporary suspension of powers, etc., of police-officers.

11. The Agency Police Superintendent shall, subject to the orders of the Political Agent, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters of executive detail in the fulfilment of their duties by the police force.  
General powers of Agency Police Superintendent.

12. The Political Agent shall, subject to the orders of Government, have authority to investigate and regulate all matters of account connected with the police within the division subject to his authority and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his lawful orders consequent thereon.  
Political Agent may investigate and regulate all matters of police accounts.

*Special.*

13. (1) Whenever it shall appear to a Prant Officer that any unlawful assembly, riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Prant Officer may, on the application of any police-officer not lower in rank than a Chief Constable, by a written order signed by himself and sealed with his official seal, appoint to be special police-officers for  
Appointment of special police-officers.

such time and within such limits as he shall think necessary, so many persons fit and willing to act as such officers as he shall think proper.

(2) Every special police-officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police-officer ; but it shall not be necessary for him to receive a certificate of office under section 7.

Powers and responsibilities of special police-officers.

functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an

ordinary police-officer ; but it shall not be necessary for him to receive a

certificate of office under section 7.

*Additional.*

14. (1) The Agency Police Superintendent, on the application of any person showing necessity therefor, may depute any additional number of police to keep the peace or to perform other police duties at any place within the territories to which this regulation extends.

Employment of additional police at request of persons showing the necessity therefor.

person showing necessity therefor, may

depute any additional number of police to

keep the peace or to perform other police

duties at any place within the territories to which this regulation extends.

(2) Such additional police shall be employed at the charge of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the Superintendent thinks fit :

Cost thereof.

making the application, but shall be subject to the orders of the police authorities and

(3) Provided that, if the person upon whose application such additional police are employed shall at any time make a written requisition to the Superintendent for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as the Superintendent shall determine.

Proviso regarding relief from costs.

police are employed shall at any time make a written requisition to the Superintendent

for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as the Superintendent shall determine.

15. (1) Whenever it shall appear to the Political Agent that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place within his district, necessitates the employment of additional police at such place, the Political Agent may, subject to the control of Government, depute such additional police to the said place as he shall think fit and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

Employment of additional police near large works.

or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon

any manufactory or other commercial concern under construction or in operation at any place within his district, necessitates the employment of additional police at such place, the Political Agent may, subject to the control of Government, depute such additional police to the said place as he shall think fit and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

(2) Such additional police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, and the

Costs thereof.

by whom the work, manufactory or concern is being constructed or carried on, and the

said person shall pay the charges therefor at such rates and at such times as the Political Agent, subject to the control of Government, shall from time to time require.

16. In case of any dispute in any case under section 13 or section 14, the decision of the Political Agent shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Political Agent, be levied by the Prant Officer as if it were an arrear of land revenue due by the person found to be answerable therefor.

17. (1) The Political Agent, subject to the control of Government, may, from time to time, by notification direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of any talukdar or the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police.

(2) The cost of such additional police shall, if Government so direct, be defrayed, either wholly or partly, by a rate charged on any talukdar or the inhabitants generally or on any particular section of the inhabitants of the local area to which the notification applies.

(3) The said rate shall be assessed by the Prant Officer at his discretion.

18. Every rate assessed by the Prant Officer as aforesaid shall be recoverable by the Prant Officer as if it were an arrear of land revenue due by the person answerable therefor.

### CHAPTER III.

#### REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

19. Subject to the orders of Government, the Political Agent may from time to time make rules or orders not inconsistent with this Law or with any other enactment at the time in force—

- (a) relating to the recruitment, organization, classification and discipline of the police ;
- (b) regulating the inspection of the police by his subordinates ;



- (c) determining the description and quantity of arms, accoutrements, clothing and other necessities to be furnished to the police ;
- (d) for the institution, management and regulation of any police fund for any purpose connected with police administration ;
- (e) regulating the distribution, movements and location of the police ;
- (f) regulating the duties of police-officers of different grades ;
- (g) regulating the collection and communication by the police of intelligence and information ;
- (h) generally for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

20. The Political Agent may, subject to the rules and orders of Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties, as his subordinates may be able to furnish to him. He will communicate to the Prant Officer any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him and also any orders which Government may direct.

21. (1) The Governor in Council, or any officer authorized by sub-section (3) in that behalf, may suspend, reduce or dismiss any police-officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine, to an amount not exceeding one month's pay, any police-officer below the grade of Assistant Superintendent, who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty.

(2) Any punishment inflicted on a police-officer under this section shall be in addition to the penalty to which such officer is liable under section 28, 54 or 55 of this Law or any other law in force.

(3) The Political Agent shall have authority to punish an inspector under sub-section (1). The Police Superintendent shall have (subject to confirmation of the Political Agent in regard to Chief Constables) the like authority in respect of any police-officer subordinate to him below the grade of Chief Constable, and may suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such

Inspector or Chief Constable and until an order of the Political Agent can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

22. When any officer passes an order for fining, suspending, reducing or dismissing a police-officer, he shall record such order or cause the same to be recorded together with the reasons therefor and a note of the inquiry made, in writing under his signature in the language of the district or in English.

23. (1) The Political Agent and the Superintendent of Agency Police and any Assistant Superintendent may punish, by confinement for a period not exceeding three days, any police-officer below the rank of Head Constable who is, in his presence, grossly insubordinate or who is insolent to him.

(2) Every order for punishing a police-officer as aforesaid shall be recorded in the manner prescribed in section 21 and a copy of every such order made by the Superintendent or an Assistant Superintendent shall be forwarded by him to his immediate superior.

24. Every police-officer shall, for all purposes of this Law, be deemed to be always on duty in the area for which he is appointed or to which he is lawfully transferred, and any police-officer and any number or body of police-officers appointed for one part of the province may, if Government or the Political Agent so direct, at any time be employed on police duty in any other part of the province for so long as the services of the same may be there required.

25. (1) No police-officer shall engage in trade or be in any way concerned either as principal or agent, in the purchase or sale of land within the province or in any commercial transaction whatever, without the permission of the Political Agent or of Government.

(2) No police-officer under the rank of Assistant Superintendent shall, unless with the written permission of the Political Agent, hold any office, or practice in any profession, or engage in any employment whatever, other than his office or duties as such police-officer.

These prohibitions to apply also when a police-officer is on leave or under suspension.

(3) The prohibitions in sub-sections (1) and (2) apply when a police-officer is on leave or under suspension as well as when he is on duty.

26. (1) Unless with the written permission of the Agency Police Superintendent or of some other police-officer

Under what conditions police-officer may resign.

empowered by the Political Agent to grant such permission, no police-officer under the

rank of Assistant Superintendent shall resign his office or withdraw himself from the duties thereof, until—

(a) The expiration of two months after written notice of his intention so to do has been given by him to the Superintendent; and until

(b) he has fully discharged any debt due by him, as such police-officer, to Government or to any police fund :

(2) Provided that, if any such police-officer produces a certificate signed by the Civil Surgeon declaring him to be unfit by reason of disease or mental or

Proviso.

physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him, on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

(3) If any such police-officer as aforesaid resigns or withdraws himself

Arrear pay of a police-officer contravening this section may be forfeited.

from the duties of his office in contravention of this section, he shall be liable, on the order of the Superintendent, to forfeit all arrears of pay then due to him. This

forfeiture shall be in addition to the penalty to which the said officer is liable under section 27 of this Law or other law in force.

27. (1) Every person who for any reason ceases to be a police-officer

Certificate, arms, etc., to be delivered up by person ceasing to be a police-officer, and

shall forthwith deliver up to some officer empowered by the Agency Police Superintendent to receive the same his certificate of appointment of officer and the arms, acc-

outrements, clothing and other necessities which have been furnished to him for the execution of his office.

(2) Any Magistrate and, for special reasons which shall be recorded in

If not delivered up, may be seized under a search warrant.

writing at the time, the Agency Police Superintendent may issue a warrant to search for and seize, wherever they may be

found, any certificate, arms, accoutrements, clothing or other necessities not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882, by a police-officer or, if the Magistrate or Police Superintendent issuing the warrant so directs, by any other person.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Political Agent, has become the property of the person to whom the same was furnished.  
Saving of certain articles.

28. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police-officer; or  
Penalty for making false statement, etc., and

(2) Any police-officer who—

(a) contravenes any provision of section 24; or  
for misconduct of police-officers.

(b) is guilty of cowardice; or

(c) resigns his office or withdraws himself from the duties thereof in contravention of section 25; or

(d) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such police-officer, it is his duty to observe or obey; or

(e) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force;

shall, on conviction by a Magistrate, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

(3) A police-officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (c), be deemed to withdraw himself from the duties of his office within the meaning of section 25.  
Consequence of failure to return to duty after leave.

29. Any police-officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 26 shall, on conviction by a Magistrate, be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.  
Penalty for failure to deliver up certificate of appointment or of office or other article.

## CHAPTER IV.

## POLICE REGULATIONS.

30. (1) In any town or other place in which he thinks fit, the Prant Officer may from time to time and subject to such orders as may have been made by any authority empowered in that respect, make rules or orders—

Rules may be made by Prant Officer regarding use of streets, etc.

- (a) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable ;
- (b) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours, or the public ;
- (c) regulating the leading, driving, conducting, or conveying of any elephant or wild or dangerous animal through or in any street ;
- (d) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air ;
- (e) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf ;
- (f) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a firework or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street, for the purpose of affixing thereto lamps or other contrivances for illumination except subject to such reasonable regulations as he may prescribe in that behalf ;
- (g) prohibiting, except under such reasonable regulations as the Prant Officer may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street ;

- (h) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased ;
- (i) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters and for obeying calls of nature ;
- (j) in cases of existing or apprehended epidemic or infectious disease of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by Government with a view to prevent the disease or to check the spreading thereof ;
- (k) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein ;
- (l) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmshala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;
- (m) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which in the opinion of the Prant Officer special regulations may be necessary for the public safety and convenience.

(2) Every regulation made under clause (h) or made under clause (l) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases ; and every rule or order made by the Prant Officer under clause (c), (e), (f), (g), (h) or (i) shall be published by affixing a copy thereof, in the language of the district, in the *chavdi* or in some other public

building in the town or place in which the same is to have operation, and a copy in the language of the district of every rule or order made under clause (a), (b), (j), (k) or (l) shall be kept affixed in a conspicuous spot near to the building structure, work or place to which the same specially relates.

(3) Every rule promulgated under the authority of article (j) of clause (1) of this section shall be forthwith reported to the Political Agent and shall be in force for not more than fifteen days unless extended by the Political Agent for a longer period and in such case for so long as the Political Agent directs.

Rules under clause 1 (j) to be reported to Government.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

31. Every Prant Officer may from time to time make rules for the blasting of rocks or for making excavations in or near any street in any town or village in his district and may provide in such rule for the grant of licenses for such operations.

Prant Officers may make rules for blasting and excavation.

32. On complaint being made to a Prant Officer that any house in a town or village in his district to which the Political Agent has by notification extended this section, is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Prant Officer may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order to discontinue such use of it.

Discontinuance of brothels.

33. (1) The Prant Officer, or in his absence and subject to his order the Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality

Issue of orders by Magistrates for prevention of disorder.

or decency or in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance or contempt of the law, or of a lawful authority.

(2) If in any town or village or the vicinity thereof there are two or more Magistrates of the First Class having jurisdiction therein, a prohibition as aforesaid may be made by any one of them.

Any one of several Magistrates having jurisdiction may issue order.

(3) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Prant Officer, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Orders by subordinate Magistrate to be communicated to the Prant Officer.

34. In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Prant Officer may temporarily close or take possession of any building or place and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Prant Officer may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Prant Officer for prevention of riot or grave disturbance of the peace.

35. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or participation in which it shall appear to the Prant Officer that a dispute or contention exists which is likely to lead to grave disturbance of the peace, he may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Issue of orders by Prant Officers for maintenance of order at religious ceremonials, etc.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Prant Officer that such order is inconsistent with a judgment,

Orders to be subject to decrees, etc., of Courts.



decree, injunction or order of such Court, on the complaint, suit or application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

36. (1) Whenever it shall appear to the Prant Officer that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) It shall be lawful for the Prant Officer, subject to the orders of the Political Agent, to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expense of the arrangements for sanitation and the preservation of order at and about the place of assembling.

37. Whenever it shall appear to the Prant Officer that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, he may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as he thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm or to disperse and each of them to remove himself to such place by such route as the Prant Officer shall prescribe.

38. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled, at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior police-officer of highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions

as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

(2) The police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

39. (1) The Agency Police Superintendent or an Assistant Superintendent may, subject to any rule or order which may at any time be legally made by any Magistrate or other authority duly empowered in this behalf,—

Police to regulate assemblies, etc., in public streets.

(a) make rules for and direct the conduct of assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which and the times at which the same may pass;

(b) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;

(c) make reasonable orders subordinate to and in furtherance of any order made by a Prant Officer or a Magistrate under sections 30—37 of this Law.

(2) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Manner of publication of such rules and orders.

40. (1) The Prant Officer may by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner has provided a proper muzzle, and has paid all expenses connected with such detention.

Provisions as to dogs.

(2) The police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

When dogs may be destroyed or sold by the police.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land revenue.

How expenses may be recovered.

(4) When any dog taken possession of by the police wears a collar with the apparently genuine address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

Provision in case of dog wearing a collar with owner's address.

Powers under this chapter to be exercised by Agency Police Superintendent subject to control of Political Agent.

41. Every power conferred by this chapter on the Agency Police Superintendent or officer subordinate to him shall be exercised by him subject to the orders of the Political Agent.

## CHAPTER V.

### EXECUTIVE POWERS AND DUTIES OF THE POLICE.

Duties of police-officers.

42. (1) Every police-officer shall—

- (a) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;
- (b) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and lay such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;
- (c) to the best of his ability, prevent the commission of public nuisances;
- (d) apprehend all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(e) aid another police-officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(f) discharge such duties as are imposed upon him by any law relating to revenue or other law at the time in force.

(2) Every police-officer may, subject to the rules and orders made by Government or by a person lawfully authorized, enter for any of the said purposes, without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking-shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

(3) When in a street or place of public resort a person has possession or apparent possession of any article which a police-officer in good faith suspects to be stolen property, such police-officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Power to enter places of public resort.  
Power to search suspected persons in the streets.  
Duties of police-officers towards the public.

43. It shall be the duty of every police-officer—

(a) to afford every assistance within his power to disabled or helpless persons in the streets and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(b) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and, whilst guarding or conducting any such person, to have due regard to his condition ;

(c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(e) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(f) to use his best endeavours to prevent any loss or damage by fire ;

(g) to use his best endeavours to avert any accident or danger to the public.

## 44. (1) It shall be the duty of a police officer—

(a) to regulate and control the traffic in the streets, to prevent obstructions therein, and, to the best of his ability, to prevent the infraction of any rule or order made under this Regulation or any other law in force for observance by the public in or near the streets ; and

(b) to keep order in the streets and at and within public bathing, washing and landing places, to keep order in the streets and other public places ; and fairs, temple and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding there- at and in public ferryboats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

(2) All persons shall be bound to conform to the reasonable directions of a police-officer given in fulfilment of any of the said duties.

Persons bound to conform to reason-  
able orders of police.

(3) A police-officer may restrain or remove any person resisting or refus- ing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Police-officer may restrain or remove  
contumacious person.

45. Whenever a notification has been duly issued under section 33, or an order has been made under section 34 or 35, it shall be lawful for any Magistrate or police-officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or police-officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid, and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Enforcement of orders issued under  
section 33, 34 or 35.

46. It shall be the duty of the police to see that every regulation and notification made by the Prant Officer under section 36, or under section 37, is duly obeyed, to warn persons who from ignorance fail to obey the same, and to arrest any person who wilfully disobeys the same.

Duty of the police to see orders issued under section 36 or 37 carried out.

47. A police-officer may take charge of any animal falling under the provisions of any law for the time being in force relating to cattle trespass which may be found straying in a street and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act.

Police-officer may take charge of stray cattle.

48. The police shall take temporary charge of all unclaimed property found by or made over to them ; and shall deliver all such property to the police patel, if any, of the town or village in which the same was found and take a receipt therefor from the patel, who shall forward such property to the Magistrate to whom such police patel is subordinate. If in any such case there be no police patel in such town or village, the police shall forthwith report to such Magistrate as the Prant Officer shall from time to time appoint in this behalf, and act thereafter as the said first-mentioned Magistrate shall direct.

Duty of police with regard to unclaimed property.

49. (1) If the property regarding which a report is made to a Magistrate under the last preceding section or under Rule 12 of the Kathiawar Agency Village Police Rules, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than ten rupees net proceeds, he shall communicate with the Prant Officer with a view to its being dealt with under the provisions of any Regulation or Law in force to provide for the formal recognition of heirs.

Procedure by Magistrate when the property exceeds ten rupees in value.

(2) In any other case the Magistrate shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation. If no person within such period establishes his claim to such property, it shall be at the disposal of Government, and may be sold in public auction under the orders of the Magistrate.

Procedure in other cases.

(3) The provisions of any Regulation or Law in force to provide for the formal recognition of heirs shall be deemed not to apply to intestate property which is dealt with by a Magistrate under sub-section (2).

50. If the property regarding which a report is made as aforesaid is subject to speedy and natural decay or consists of live-stock, or appears to be of less value than five rupees, the Magistrate may at once direct it to be sold in public auction and the provisions of the last preceding section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

51. A police-officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

## CHAPTER VI.

### OFFENCES AND PUNISHMENT.

52. In any local area to which the Political Agent by notification from time to time extends this section or any part thereof however contrary thereto,—

Punishment of certain street offences and nuisances;

(a) Whoever without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light or lights, except when there is sufficient moonlight to render such light unnecessary;

(b) drives a vehicle of any description along a street and does not keep (except in cases of actual necessity or of some sufficient reason for deviation) on the left side of such street when meeting any other vehicle, or on the right side of such street when passing any other vehicle;

- leaving cattle, etc., insufficiently tended; (c) leaves in any street insufficiently tended or secured any animal or vehicle;
- (d) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, causing obstruction or mischief by animals; negligence or ill-usage in the driving, management or care of any animal or vehicle, or by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Prant Officer;
- (e) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle or cleans, grooms, exposing animal for hire or sale, trains or breaks in any horse etc.; or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;
- (f) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or causing any obstruction in a street; unloaded or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street as a halting place for vehicles or cattle or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time, or contrary to any regulation made and published by the Prant Officer by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever causes obstruction;
- (g) causes obstruction on any footway, or danger, alarm or annoyance by driving, riding or leaving obstructing a footway; any animal or driving or drawing any vehicle thereupon or fastening any animal so that the same can stand across or upon such footway;



- (h) exhibits, contrary to any regulation made and notified by the Prant Officer, any mimetic, exhibiting mimetic, musical or musical or other performances other performances, etc.; of a nature to attract crowds or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned.
- (i) assembles with others or joins any assembly in a street assembled for the purpose of gaming or gambling in a street; wagering;
- (j) slaughters any animal, cleans a carcass or hide, obeys a call of doing offensive acts on or near nature, or causes a child to do public streets; so, or bathes or washes his person in or near to and within sight of a street (except in some place set apart for the purpose by order of the Prant Officer or of some other person having lawful authority in that behalf), so as to cause annoyance to the neighbouring residents or to passers-by;
- (k) negligently lets loose any horse or other animal, so as to cause letting loose horses, etc., and suffering dangerous dogs to be at large; danger, injury, alarm or annoyance or suffer a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal;
- (l) bathes or washes in or by the side of a public well, tank, or reservoir not set apart for such bathing or washing in places not set apart for those purposes; purpose by order of the Prant Officer or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the Prant Officer or other person having lawful authority in that behalf;
- (m) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

- (n) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, obstructing bathers; by wilful intrusion or by using such place for any purpose for which it is not so set apart ;
- (o) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house ;
- being drunk and incapable ; (p) is drunk and incapable of taking care of himself in a street or place of public resort ;
- (q) wilfully pushes, presses, hustles or obstructs any passenger in a street, or by violent movements, menacing gestures, obstructing or annoying passengers in the streets ; wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise disturbs the public peace or order ;
- (r) uses in any street any threatening, abusive or insulting words or behaviour, with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned ; misbehaviour with intent to provoke a breach of the peace ;
- (s) begs importunately for alms or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street ; begging and exposing offensive ailments.
- shall be punished with fine which may extend to fifty rupees.

53. (1) Whoever cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, Punishment for cruelty to animals. goaded, over-worked, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the First Class unless such Magistrate be specially invested with jurisdiction for that purpose by the Political Agent.

Penalty for vexatious search, arrest,  
etc., by the police.

54. Any police-officer who—

- (a) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place ; or
- (b) vexatiously and unnecessarily seizes the property of any person ; or
- (c) vexatiously and unnecessarily detains, searches or arrests any person ; or
- (d) offers any unwarrantable personal violence to any person in his custody ; or
- (e) holds out any threat or promise not warranted by law to a person accused ;

shall for every such offence be punished with imprisonment for a term not exceeding two months or with fine which may extend to five hundred rupees, or both.

55. Any police-officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of  
rules under section 30, or of direc-  
tions under section 44.

56. Whoever—

- (a) contravenes any rule made under section 30 ; or
  - (b) opposes or fails to conform to any direction given by the police under section 44 ;
  - (c) abets the commission of any offence under clause (a) or (b) ;
- shall be punished with fine which may extend to fifty rupees.

57. Whoever contravenes any rule made under section 31 or any condition of any license granted under the said rules shall be punished with fine which may extend to one hundred rupees.

Penalty for contravening rules, etc.,  
under section 31.

58. Whoever fails to comply with an order made under section 32 shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for failure to comply with  
order under section 32.

Penalty for contravention of rules  
or directions under sections 33, 34, 35,  
38, and 39.

59. Whoever—

- (a) disobeys an order lawfully made under section 33, 34 or 35 ; or

- (b) opposes or fails to conform to any direction given by the police under section 38 ; or
- (c) opposes or disobeys any rule made or direction given by the police under section 39 ; or
- (d) contravenes any condition of a license granted under clause (b) of the said section ; or
- (e) abets the commission of any offence under clause (a), (b), (c) or (d) ;

shall be punished with fine which may extend to two hundred rupees.

60. Whoever contravenes or abets the contravention of any regulation made under section 36 shall be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of a regulation made under section 36.

61. Whoever opposes or disobeys any direction given by a Prant Officer under section 37 or abets opposition to, or disobedience of, any such direction, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Penalty for contravention of direction given under section 37.

62. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police-officer under section 45, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 45.

63. Offences against this Law when the accused persons or any one of the accused persons is a police-officer above the rank of a constable, shall not be cognizable by a Magistrate below the Second Class.

Jurisdiction when offender is a police-officer above the rank of constable.

64. It shall not, except in obedience to a rule or order made by Government or by the Political Agent or Prant Officer, be incumbent on the police to prosecute for an offence punishable under section 52, 53, 56, 58, 59, 60, or 61, when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Prosecution for certain offences against the Law to be in the discretion of the police.

65. Nothing in this Law shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Law or from being

Prosecution for offences under other enactments, not affected by the Law.

prosecuted and punished under this Law for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure.

## CHAPTER VII.

### MISCELLANEOUS.

66. All sums paid for the service of process by police-officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police-officers as informers, shall, except as herein-after in this section provided, be credited to Government: Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such rewards, forfeiture or penalty may for special services be paid to a police-officer or be divided amongst two or more police-officers.

67. In those villages in which the police patels and pasaitas have been hitherto appointed by the talukdar and in villages where the police patels perform revenue duties, the existing system of appointment, etc., will continue, but in other villages where the patels and pasaitas are not hereditary (and have no revenue functions) office-holders, but are paid either in cash or land, they will be under the authority of the Superintendent of Police, who will have the same powers in regard to punishment and dismissal as over the members of the regular police.

68. (1) No municipal or other local rates shall be payable by Government on account of the occupation or use of any house or place by members of the police force for the convenient performance of their duties.

(2) It shall be the duty of a municipality or other local body within the limits of which a police force is stationed for the service of such municipality or other local body in preserving the peace, public order and safety and preventing crime, to provide on the requisition of Government such accommodation for the police so employed as shall be reasonably necessary or such portion thereof as to Government shall seem just and expedient.

enter at any time by day or by night any building, vessel or enclosed place in which he has reason to believe that liquor or any intoxicating drug liable to confiscation under these rules is manufactured, kept or concealed, or that any still, utensil, implement or apparatus is used, kept or concealed for the purpose of manufacturing liquor or any intoxicating drug contrary to these rules ; and

in case of resistance, break open any door and remove any other obstacle to his entry into any such shop, premises, building, vessel or other place ; and

seize any liquor or drug and any material used in the manufacture thereof and still, utensil, implement or apparatus and any other thing which he has reason to believe to be liable to confiscation under these rules or under any other rules for the time being in force relating to abkari revenue ; and

detain and search, and if he thinks proper arrest any person whom he has reason to believe to be guilty of any offence under these rules or any other law for the time being in force relating to abkari revenue.

Power to seize liquor, etc., in open places and to detain, search and arrest.

#### 14. Any Magistrate or any Police Officer—

may seize in any open place or in transit any liquor or intoxicating drug or any other thing which he has reason to believe to be liable to confiscation under these rules or any other rules for the time being in force relating to abkari revenue ;

detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and if such person has any such liquor, drug or other thing in his possession, arrest him : Provided that any Police Constable acting under this rule shall at once take the person arrested or property seized to the nearest Magistrate or Chief Constable.

All searches under rules 13 and 14 shall be made in accordance with the provisions of the Code of Criminal Procedure.

The Agent to the Governor, Kathiawar, or any officer duly empowered by him in this behalf or a Magistrate may issue a warrant—

Issue of warrants.

for the arrest of any person whom he has reason to believe to have committed an offence against these rules or any others for the time being in force ; or

(4) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(5) The plaintiff shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any and if any what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

#### SCHEDULE A.

(See section 10.)

*Form of Certificate for Police-officer below the grade of Inspector.*



A. B. has been appointed to the Police of the Kathiawar Political Agency and is vested with the powers, functions and privileges of a Police-officer under the Kathiawar Agency Police Law, 1896.

*Superintendent of Agency Police.*

*Date*

[*Bombay Government Gazette*, 1896, Pt. I, p. 256.]

No. 7, dated the 21st January 1899.—The following rules approved by the Government of India by their letter No. 2485-I. A., dated the 12th September 1898, embodied in Government Resolution No. 5815, dated the 17th October 1898, for the regulation of the manufacture, conversion, sale, import, export, transport and possession of arms, ammunition and military stores in the area under the direct control of the Agency are published for general information and will come into force from the 1st March next.

Kathiawar Arms  
Rules, 1899.

I—*Preliminary.*

Application.

1. These rules shall apply to—

- (a) the Agency Stations of Rajkot, Wadhwan, Jetalsar and Songad and any other Agency Station in Kathiawar that may be created hereafter under the authority of Government ;
- (b) all Thana Circles of the Kathiawar Political Agency and the petty Jurisdictional States subordinate thereto ;
- (c) all railways now existing or which may hereafter be constructed in the Province of Kathiawar within the limits (including the lands occupied for Stations, outbuildings, or other railway purposes), over which full criminal jurisdiction has been or shall be assigned to the British Government ;

and shall come into force from such date<sup>1</sup> as may be notified by the Political

Commencement.

Agent in the *Kathiawar Political Agency Gazette*, from which date all other existing

orders, notifications, rules or regulations on the same subject in force shall be repealed : provided that all continuing authorities, permissions, licenses and exemptions in existence on the said date, which are in accordance with these rules, shall be held to have been granted and issued under these rules.

2. In these rules “ Cannon ” includes also all howitzers, mortars, wall

Definitions.

pieces, mitrailleuses and other ordnance and machine guns, all parts of the same and all

carriages, platforms and appliances for mounting, transporting and serving the same.

“ Arms ” includes fire-arms, bayonets, swords and daggers, also cannon and parts of arms and machinery for the manufacture or repairs of arms or portions of arms.

“ Ammunition or Military Stores ” include also all articles specially designed for torpedo service and sub-marine mining rockets, gun cotton dynamite, lithofracteur, and other explosive or fulminating material, gunflints, gunwads, percussion caps, fuses and friction tubes, all parts of ammunition, and all machinery for manufacturing ammunition and include sulphur in quantity more than 10 lbs. weight, leaden bird shot and bullets when possessed in quantities exceeding one hundred weight at any one time, but not lead or saltpetre.

“ Import ” means transmission from any place beyond to any place within the limits to which these rules apply.

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<sup>1</sup> 1st March 1899, *vide supra*.



"Export" means transmission from any place within, to any place beyond, the limits to which these rules apply.

"Transport" means the transmission through the limits to which these rules apply from and to places to which they do not apply.

"License" means a license granted under these rules or by competent authority under the Indian Arms Act.

"Pass" means a written permission granted to transport under these rules arms, ammunition or military stores not covered by a license.

"Parvana" means a permit to possess or carry arms.

### II.—*Manufacture, conversion and sale.*

3. No person shall manufacture, convert, repair or sell or keep, offer or  
Unlicensed manufacture, conversion, expose for sale any arms, ammunition or repair and sale prohibited. military stores except under a license granted under these rules in the manner and to the extent permitted thereby. But nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses *bonâ fide* for his own private use to any person who is not prohibited from possessing the same, provided always that no such sale shall be effected until the permission of the Assistant Political Agent has been obtained.

4. Licenses to manufacture or convert arms or manufacture ammunition  
License to manufacture or convert. may be granted, subject to the approval of the Political Agent by the Assistant Political Agent in charge of the Prant. But such manufacture or conversion shall be restricted to the limits of the Agency Stations and shall on no account be permitted in any Thana Circle.

5. Licenses to repair or sell or keep, offer or expose for sale arms or ammunition may be granted by the Assistant Political Agent in charge of the Prant. But such sale or repair shall be restricted to the limits of the Agency Stations and shall on no account be permitted in any Thana Circle.

These licenses shall be in the forms annexed to these rules.

6. No person shall manufacture or keep in his possession or sell more than  
Licenses to manufacture, sell or keep sulphur. 10 lbs. of sulphur at a time except under a license granted by the Assistant or Deputy Assistant Political Agent.

7. Every holder of a license under rules 4, 5 and 6 shall keep a correct and  
Register of Stock. true register in the form annexed (Appendix B), and shall show in it correctly all stocks, manufacture and receipts and all sales of arms and ammunition or sulphur in his possession. He shall exhibit this register when called upon to do so to any Magistrate or to any police officer not below the rank of a Chief Constable.

8. Any Magistrate or police officer not below the rank of a Chief Constable may at all reasonable times enter and inspect the premises of any person licensed to manufacture, convert, repair, sell or keep arms, ammunition or sulphur under these rules, and every such person shall be bound to exhibit the entire stock of arms, ammunition or sulphur in his possession or under his control and all accounts and records relating thereto.
9. Every person licensed to manufacture, convert, repair or sell arms, ammunition or sulphur under these rules shall affix a board on a conspicuous part of his shop or a usual place of business and shall cause to be painted thereon in large letters in English and Gujarati his name and the words "Licensed to manufacture" or "Licensed to deal in arms, ammunition and sulphur."
10. The Political Agent or the Assistant Political Agent in charge of a Prant may at any time, for reasons to be recorded in writing, cancel or suspend the license of any manufacturer or vendor under these rules.
11. No manufacturer or licensed vendor shall sell arms or ammunition except sulphur in reasonable quantities not exceeding 10 lbs. in weight for medicinal purposes without the written permission of the Assistant Political Agent in charge of the Prant to any person not in possession of a parvana of one of the kinds hereinafter set forth in rule 23, and then only to such limited amount as may be sanctioned by the Assistant Political Agent or Deputy Assistant Political Agent.

*III—Import, Export and Transport.*

12. All importation of arms, ammunition or military stores from places beyond Kathiawar is forbidden except under a license granted by the Political Agent or by competent authority in British India under the provisions of the Indian Arms Act.
13. All importation of arms, ammunition or military stores from places within Kathiawar but beyond the limits to which these rules apply is forbidden except under a license granted by the Assistant Political Agent in charge of a Prant.
14. Arms, ammunition or military stores imported by rail shall not be delivered to any importer or consignee unless—

- (a) the importer or consignee produces the original license issued by competent authority authorising the import, and
- (b) the senior police officer at the station to which the consignment is consigned has compared the consignment with the license and authorised the Station Master to make delivery.

For the purpose of making the comparison required by clause (b) the police officer shall have power to open any package which he thinks suspicious.

15. Every Station Master shall give information to the officer mentioned in clause (b) of the preceding rule of the arrival at his station of any consignment of imported arms, ammunition or military stores.

Duty of Station Master.

16. All exportation of arms, ammunition or military stores to places beyond Kathiawar is forbidden except under a license granted by the Political Agent.

Unlicensed exportation to places beyond Kathiawar prohibited.

17. All exportation of arms, ammunition or military stores to places within Kathiawar but beyond the limits to which these rules apply is forbidden except under a license granted by the Assistant Political Agent in charge of the Prant.

Unlicensed exportation to other places within Kathiawar prohibited.

18. All transport of arms, ammunition or military stores through the limits to which these rules apply from and to places to which they do not apply, not otherwise covered by a license, is forbidden except under a pass granted by the Assistant Political Agent in charge of the Prant.

Transportation without a license or pass prohibited.

19. All Station Masters to whom arms, ammunition or military stores are tendered for despatch unaccompanied by evidence of licenses being granted as per rules 16, 17 and 18 shall detain them and report the matter through the Railway Police for the orders of the Assistant Political Agent in charge of the Prant.

Export and transport by rail.

20. Every person employed upon a railway shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be bound to give information to the nearest police officer regarding any box, packet or bale in transit which he has reason to believe contains stores in respect of which an offence against these rules has been or is being committed.

Obligation of railway employes to give information.

21. Similarly it shall be the duty of all revenue and village officers to report to the nearest police officer any information he may obtain, or any reasonable suspicion he may entertain concerning the import, export or transport of any arms, ammunition or military stores in contravention of the provision of these rules.

*IV.—Going armed and possessing arms, etc.*

22. No person except those specified in Schedule A hereto annexed and to the extent therein defined shall possess or carry arms or ammunition except under a parvana as hereinafter provided.

Going armed or possessing arms without a parvana prohibited except to persons exempted.

<sup>1</sup>[Provided that the Agent to the Governor, Kathiawar, is authorized to withdraw the privilege of exemption at his discretion, either permanently or for such time as he may deem fit, from any member of any of the classes mentioned in Schedule A, who is convicted of any of the heinous offences enumerated below :—

- (1) Murder,
- (2) Grievous hurt,
- (3) Robbery,
- (4) Dacoity,
- (5) Outlawry,
- (6) Retaining or receiving stolen property,
- (7) Mischief by fire,
- (8) House-breaking,

and that in other cases of serious misconduct the privilege may similarly be withdrawn under the special orders of the Government of Bombay.]

Kinds of Parvanas.

23. Parvanas are of four kinds—

- (a) Green, which entitles the holder to possess arms and to carry and use them within the limits of the taluka of which he is a resident.
- (b) Red, or temporary passes, which entitle the holder to carry arms in any parts of Kathiawar to which these rules apply, or any specified part thereof for a limited period only not exceeding one year.
- (c) Yellow, or permanent passes, which may be issued to Police Patels, Pasaitas, petty Talukdars, Mulgirasias, Kandars, and other personal followers of Talakdars as well as to other persons of

<sup>1</sup> Added by notification No. 28, dated the 16th May 1910. *Kathiawar Agency Gazette*, 1910, p. 142.

position and approved loyalty and which entitle the holder to carry arms in any part of Kathiawar.

- (d) Brass badges, to be worn round the waist when on duty with arms, to be issued at the discretion of the Assistant Political Agent in charge of the Prant to pasaitas and inferior village police who are required to bear arms for the performance of their duties.

*Note.*—There should be yellow passes in addition to badges.

24. (a) Parvanas described in rule 23 may be applied for from the Assistant Political Agent direct or through the Thanadar, Talukdar or Chief Constable.

- (b) The Assistant Political Agent shall have full power to grant or withhold a parvana at his discretion and shall communicate his order to the Superintendent of the Agency Police and the Thanadar or Talukdar in whose limits the applicant resides.

- (c) Application for badges as defined in rule 23 (d) shall be made by Talukdar or Thanadar in whose jurisdictional limits the police in question perform their duties, to the Assistant Political Agent, who may either grant or, for reasons to be recorded by him, withhold them altogether or grant only a portion of those asked for.

25. <sup>1</sup> [Any person possessing arms, ammunition or military stores, the possession whereof by him has in consequence of the cancellation or expiry or loss of a Parwana of any of the kinds specified in rule 23, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station and report the fact to the Thanadar or other Magistrate or Talukdar, as the case may be within whose jurisdiction he resides.

If the owner of anything deposited under this rule does not within one year from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for the delivery of the same, such thing shall be forfeited.]

26. If any arms or ammunition for which a person holds a parvana granted under these rules shall in any manner pass out of his possession, he shall at once give notice of the fact to the Thanadar or other Magistrate or the Talukdar, and get his parvana cancelled or altered as may be necessary.

<sup>1</sup> Substituted by notification No. 15, dated the 7th April 1910. *Kathiawar Agency Gazette*, 1910, p. 101.

27. (a) A copy of the register of the parvanas granted in each village and of arms in possession of persons residing in the said villages and exempted from the operation of these rules under rule 22 shall be kept by the Police Patel and it shall be his duty and the duty of all police officers (not lower in rank than Head Constables) to report any cases which come to their notice in which the arms mentioned in the said register are not in the possession of the parvana-holders, or that persons are in possession of arms or ammunition without a parvana, or generally cases in which the provisions of these rules, have been infringed.

(b) A copy of the register of parvanas granted to residents of Agency Stations or railway limits shall be kept by the Inspector of Police in each Prant and the Inspectors of the Railway Police concerned, and it shall be their duty to report any cases which come to their notice in which the arms mentioned in the said register are not in possession of the parvana-holders, or that persons not specially exempted are in possession of arms or ammunition without a parvana or generally cases in which the provisions of these rules have been infringed.

#### V.—Penalties.

For breach of rules 3 to 5, 7 to 9, 11 to 13, 16 to 18, 22 and 23.

28. Whoever commits any of the following offences, namely :—

(a) manufactures, converts, repairs, sells or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provisions of rule 3, or breaks any of the conditions of a license granted under rule 4 or 5, or

(b) intentionally makes any false entry in the register which by rule 7 he is required to keep, or

(c) intentionally fails, or refuses to exhibit anything which by rules 7 or 8 he is required to exhibit, or to keep a board affixed to his premises as required by rule 9, or

(d) sells arms or ammunition in contravention of rule 11, or

(e) imports, exports, or transports any arms, ammunition or military stores in contravention of the provisions of rules 12, 13, 16, 17 or 18, or

(f) possesses or carries or has under his control arms or ammunition in contravention of rules 22 or 23, or

(g) allows any arms or ammunition for which he holds a parvana to pass out of his possession in a manner which creates a reasonable suspicion as to his *bonâ fides*,

shall be liable, on conviction before a Magistrate of not lower than the Second Class, to imprisonment for a term which may extend to three years, or a fine which may extend to one thousand rupees, or to both, \* \* 1

28A. When any person is convicted of an offence punishable under these rules committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage animal used to convey the same and any box, package or bale in which the same may have been concealed, together with other contents of such box, package or bale shall be confiscated.

29. <sup>3</sup> [Whoever fails to deposit arms, ammunition or military stores with the officer in charge of the nearest police station, and to report the fact to the Thanadar or other Magistrate or Talukdar as required by rule 25, or to report the loss of any arms or ammunition as required by rule 26, shall be liable on conviction before any Magistrate or jurisdictional Talukdar to a fine which may extend to Rs. 10 and the renewal of his parvana may be withheld for a term which may extend to one year.

30. Any person violating any of these rules, for the violation of which no penalty is provided by these rules shall be liable, on conviction before any Magistrate, to imprisonment for a term which may extend to one month, or to fine which may extend to two hundred rupees, or to both.

For breach of rules not otherwise provided for.

#### VI.—Miscellaneous.

31. Whenever any Magistrate has reason to believe that any unlicensed person has in his possession for sale arms or ammunition, or is keeping upon his premises without permission more than 40 lbs. of sulphur, he may, after recording in writing the grounds of his belief, cause a search to be made of the house or premises in which he believes such arms, ammunition or sulphur are, and if found may seize and confiscate them.

32. <sup>3</sup> If any person is importing or exporting arms, ammunition or military stores without a license or is transporting them without a pass or is in possession of arms or ammunition without a parvana in violation of these rules such arms, ammunition or military stores may be seized by any Magistrate, Police Officer or a Police Patel or by any person acting under their

<sup>1</sup> Omitted

<sup>2</sup> Added

<sup>3</sup> Substituted

} by notification referred to in footnote 1 on p. 263, *supra*.

orders and deposited forthwith with the officer in charge of the nearest Police station.

Subject to any order of confiscation that may be passed under rule 28A., the provisions of rule 25 shall apply to anything so deposited.]

33. (a) The Magistrate who has tried the case or any other Magistrate to whom he is subordinate may award up to one-half the amount of any fine inflicted under these rules and up to one-half the sale price of any confiscated articles sold under these rules to any person who has given information leading to a conviction.

(b) Cases in which no fine is inflicted or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Political Agent by or through the Assistant Political Agent in charge of the Prant.

34. No prosecution under these rules shall be instituted except under the orders or with the sanction of the Assistant Political Agent in charge of the Prant.

35. The Political Agent may from time to time by notification in the *Agency Gazette* make rules, not inconsistent with these rules, to determine the forms in which and the terms and conditions on and subject to which any license, pass or parvana shall be granted under these rules and may by such rules, among other things,—

- (a) fix the period for which licenses, passes or parvanas shall continue in force;
- (b) fix the fee payable by stamp or otherwise for the said licenses, passes or parvanas;
- (c) direct the holder of the license to keep a record or account in a prescribed form, and exhibit the same when called upon by an officer of Government to do so;
- (d) direct him to produce an account for the arms or ammunition when called upon to do so.

36. Nothing contained in these rules shall be deemed to affect any orders or notifications published under the authority of the Bombay Government, which are at present in force or which may hereafter be brought into force on this subject.



## SCHEDULE A.

List of persons or classes of persons exempted from the operation of the Prohibition contained in rule 22 of the Rules in Kathiawar Political Agency relating to arms and ammunition, other than those referring to cannon, articles designed for torpedo service, war rockets, and machinery for the manufacture of arms and ammunition :—

- (1) All persons who if in British India would be exempt from the operation of the Indian Arms Act.
  - (2) All Magistrates and officers of and above the rank of a Thanadar.
  - (3) All jurisdictional and non-jurisdictional Talukdars of Kathiawar whose names are on separate tribute-payers' list.
  - (4) Any land-holders, members of Station Committees and other persons of approved loyalty and good position who are specially exempted by notification in the *Agency Gazette* issued by the Political Agent from time to time.
  - (5) All travellers carrying arms or ammunition so far as their arms or ammunition may be covered by a permit in due form signed by a duly qualified British Officer.
-

*Register of Stock.*

(See Rule 7.)

RECEIPTS.			
Month and date.	No. and date of license.	Station from which imported.	
		RIFLES.	
		<i>Double Barrelled.</i>	<i>Single Barrelled.</i>
		Breech-loading.	Breech-loading.
		Muzzle-loading.	Muzzle-loading.
		SMOOTH BORES.	
		<i>Double Barrelled.</i>	<i>Single Barrelled.</i>
		Breech-loading.	Breech-loading.
		Muzzle-loading.	Muzzle-loading.
		Revolvers.	
		Pistols.	
		Swords.	
		Gunpowder.	
		Blasting powder.	
		Fuses.	
		Loaded cartridges.	
		Empty cartridges.	
		Shot.	
		Lead bullets.	
		Percussion caps.	
		Sulphur.	
		Implements.	

SALES.					
Month and date.	RIFLES.		SMOOTH BORES.		
	<i>Double Barrelled.</i>	<i>Single Barrelled.</i>	<i>Double Barrelled.</i>	<i>Single Barrelled.</i>	
	Breech-loading.		Breech-loading.		Revolvers.
	Muzzle-loading.		Muzzle-loading.		Pistols.
					Swords.
					Gunpowder.
					Blasting powder.
					Fuses.
					Loaded cartridges.
					Empty cartridges.
					Shot.
					Lead bullets.
					Percussion caps.
					Sulphur.
					Implements.
					Name and residence of purchaser.
					REMARKS.

NOTE.—This register should be kept in the same manner as a debtor and creditor account and should be balanced on the last day of every month.

## Rule 4.

*License to manufacture or convert Arms and Ammunition in*

Name, etc., of License-holder and place of residence.	Place of business, factory and shop.	Description of arms.	Description of Ammunition.	Date on which License expires.
				The 31st of December 18 .

Approved.

(Signature)

*Political Agent, Kathiawar.**Assistant Political Agent, Prant.*

Date

## No. II.

## Rule 5.

*License to repair, sell, keep, offer, or expose for sale Arms or Ammunition in*

Name, etc., of License-holder and place of residence.	Place of business, factory and shop.	DESCRIPTION OF ARMS		DESCRIPTION OF AMMUNITION	Date on which License expires.
		To be repaired.	To be kept and sold.	To be kept and sold.	
					The 31st of December 18 .

(Signature)

*Assistant Political Agent, Prant.*

Dated the

18 .

*Kathiawar Agency.*  
Local Regulations.

272

No. III.

Rule 12.

*License to Import Arms, Ammunition or Military Stores into Kathiawar.*

Name and address of License-holder.	Number of packages.	ARMS.		AMMUNITION AND SULPHUR.		Purpose for which required.	Value of the cheapest fire arms per piece.	Place where articles are to be deposited or to which they are to be despatched.	Period for which the License is valid.
		Description.	Number.	Description.	Weight in seers or number.				
									From the of the 18 .

(Signature)

*Political Agent, Kathiawar.*

Dated the

18 .

No. IV.

Rule 16.

*License to Export Arms, Ammunition or Military Stores from Kathiawar.*

Name, etc., of License-holder and Agent, if any.	Number of packages.	ARMS.		AMMUNITION OR MILITARY STORES.		Place of despatch and route.	Purpose for which consignment is required.	Destination.	Name and Residence of consignee.	Period for which License is valid.
		Description.	Number.	Description.	Weight or number.					
										From the of 18 to the of 18 .

(Signature)

*Political Agent, Kathiawar.*

Dated the

18 ,

## No. V.

Rule 18.

*License to Transport Arms, Ammunition or Military Stores through Kathiawar.*

Name, etc., of Licenseholder and Agent, if any, authorised for the purpose of this Consignment.	Place of License-holder's business.	Number of packages.	ARMS.		AMMUNITION.		Place of despatch, route and mode of transit.	Time for which pass is valid.	Destination.	Name and residence of consignee.
			Description.	Number.	Description.	Number of or weight in seers.				
								From the 18 .	the to	

(Signature)

Dated the 18 . Political Agent, Kathiawar.

[Kathiawar Agency Gazette, 1899, p. 25.]

No. 67, dated the 22nd August 1899.—Whereas, under the relations subsisting between the British Government and the States of Kathiawar, the cultivation of the poppy and the manufacture of opium in the said States and the export of opium therefrom are prohibited absolutely, and the import of opium into the said States is prohibited except where the opium is covered by a pass signed by the Political Agent: Now the following regulations are promulgated under the orders of the Government of Bombay for general information and due observance throughout Kathiawar in supersession of those published by the Political Agent in Kathiawar in his notification No. 4, dated the 15th February 1884 \* \*<sup>1</sup>

1. Opium includes also green poppy-heads, preparations or admixtures of opium, and intoxicating drugs prepared from the poppy.

2. The cultivation of the poppy or the manufacture of opium within the territory of the State is prohibited.

<sup>1</sup> The passage here not reprinted relates to the enforcement of these Regulations by jurisdictional Chiefs, and the consequences of not doing so.

If within twelve months from the expiry of the period prescribed for the submission of the claims the Political Agent has not heard and adjudicated on all claims preferred against the estate, he shall report the fact to the Agent to the Governor, with an explanation of the cause of delay and shall state the time likely to be occupied in disposing of the outstanding claims.

The Political Agent may, with the previous sanction of the Agent to the Governor, appoint a Committee of Indian gentlemen of experience not exceeding three in number, of whom not more than one may be in the service of the Agency, to assist him in deciding the claims that are admissible and the extent to which they are admissible under these rules. The Political Agent may fix such remuneration for each of the members of the aforesaid Committee as may appear reasonable to him. Any expenditure incurred under this rule shall be deemed to be part of the expenses of management.

The Political Agent may at his discretion entrust to the Deputy Assistant Political Agent of the Prant in which the estate is situated such part of an inquiry into a claim as concerns account matters only : provided that both parties shall be informed of the opinion of the Deputy Assistant Political Agent, and the Political Agent shall himself hear and dispose of any objections raised thereto by either party before final orders are passed on the claim.

In the case of claims against the estate which have been awarded by a decree of a competent Court before the estate was declared to be an encumbered estate, the Political Agent shall accept such decree as conclusive proof of the amount therein awarded :

the time being, licensed vendors are being supplied in the adjoining British district.

11B. No licensed vendors in the State shall at any time be permitted to sell opium at a price which is lower than the lowest price at which licensed vendors are, at the time being, authorized to sell it in the adjoining British district.

12. Licenses for the sale of opium shall be granted by the Darbar only ; such license shall contain the following conditions :—That a register shall be kept showing—

- (1) Quantity of opium received from time to time from the State.
- (2) Name and residence of purchaser ;
- (3) Quantity sold ;
- (4) Price charged per tola.

Sales, not exceeding half a tola, to each person made during the course of a day to be entered in a total quantity, without mentioning the names, etc., of the purchaser.

<sup>1</sup>12(A) A licensed vendor in Agency jurisdiction shall produce forthwith for inspection, on the demand of any Agency Police Officer above the rank of Jemadar, the register referred to in paragraph 12, as well as the whole quantity of opium in his possession ; and he shall not prevent any Agency Police Officer, of whatever grade, from entering any of his shops at any hour of the day or night.

This rule should apply to the areas within Agency jurisdiction only.

13. Licenses for sale shall be granted by the State for one year only ; or the right to sell opium may be farmed for a period not exceeding five years. All licensed dealers or farmers shall procure their supply of opium from the Darbar only.

14. Any person who in contravention of these regulations (a) cultivates the poppy, (b) manufactures opium, (c) possesses opium, (d) transports opium, (e) imports or exports opium, (f) or sells opium, (g) and any person who otherwise contravenes such regulations, shall, on conviction before any officer duly authorized by the Darbar, be punished for each such offence with imprisonment, either simple or rigorous, for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both ; and

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<sup>1</sup>Added by notification No. 2, dated the 10th January 1908. *Kathiawar Agency Gazette*, 1908, p. 10.

where a fine is imposed, the convicting officer shall direct the offender to be imprisoned in default of payment of the fine for term which may extend to six months, and such imprisonment shall be either simple or rigorous, and in excess of any other imprisonment to which he may have been sentenced.

15. In prosecutions under the preceding clause, it shall be presumed, until the contrary is proved, that all opium for which the accused person is unable to account satisfactorily is opium in respect of which he has committed an offence under these regulations.

16. In any case in which an offence under clause 14 has been committed—

- (a) the poppy so cultivated,
- (b) the opium in respect of which any offence under the same clause has been committed,
- (c) where in the case of an offence under head (d) or (e) of the same clause the offender is transporting, importing or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import, or export as the case may be, the whole of the opium which he is transporting, exporting or importing,
- (d) where in the case of an offence under clause (f) of the same clause the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium

shall be liable to confiscation by the Darbar

The vessels, packages and coverings, in which any opium liable to confiscation under this clause is found, and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals or conveyances used in carrying it, shall likewise be liable to confiscation by the Darbar.

17. When the offender is convicted, or when the person charged with an offence in respect of any opium is acquitted, but the officer of the State trying the case, decides that the opium is liable to confiscation, such confiscation may be ordered by him. When an offence against these regulations has been committed, but the offender is not known, or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, any authorized State officer may after due enquiry order the confiscation of such opium.

18. A full report of each case shall be forwarded immediately to the Political Agent, with a list of rewards that may be ordered to be awarded under clause 19, together with two-thirds of the pass fee, if due on confiscated opium. All other articles so confiscated shall be disposed of as the Darbar may order.



19. Any authorized State officer, convicting an offender under clause 13 or ordering the confiscation of opium under clause 16 of these regulations, may grant in such proportion as he thinks fit, to informers and any other persons who have contributed to the seizure of the opium or the conviction of the offender, a reward of not less than one-half the value of the opium inclusive of pass fee confiscated in the case: provided always that the Darbar will in special case give such further money rewards to informers and others as may appear to it desirable.

20. Any authorized State officer<sup>1</sup> may—

- (a) at any time enter upon and search any premises on which he has reason to believe opium liable to confiscation under these regulations is manufactured, kept or concealed, and to seize any such opium and all materials used in the manufacture thereof;
- (b) detain, search and arrest, any person whom he has reason to believe to be guilty of any offence relating to such opium;
- (c) seize in any open place, or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under clause 16 of these regulations.

21. Any State officer who without reasonable grounds of suspicion enters or searches or causes to be entered or searched any building, vessel or place, or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under these regulations, or vexatiously and unnecessarily detains, searches or arrests any person, shall for every such offence be punished with fine not exceeding Rs. 500.

22. Any authorized State officer may issue his warrant for the arrest of any person whom he has reason to believe to have committed a breach of these regulations relating to opium or for the search of any premises in which he has reason to believe opium liable to confiscation is kept or concealed within State limits.

23. The subsequent procedure in regard to persons arrested and seizures made shall be in accordance with that generally in force for criminal purposes within the State.

[*Kathiawar Agency Gazette*, 1899, p. 264.]

No. 274-I.-A., dated the 22nd June 1900.—Whereas the tributary Chiefs and Talukdars in Kathiawar have only a life interest in their estates and cannot, therefore, charge them with debts beyond their own lives:

Tributary Chiefs and  
Talukdars Debt.  
Recovery Rules,  
1900.

<sup>1</sup> This term "means and includes any Police Officer of or above the rank of a Jemadar in the area under Agency jurisdiction, viz., Thana Circles, Civil Stations and Railway limits." See notification No. 39, dated the 8th July 1907. *Kathiawar Agency Gazette* 1907, p. 159.

And whereas it was not intended that the Agency Courts in Kathiawar should ordinarily take cognizance of pecuniary transactions between the said tributary Chiefs or Talukdars and their creditors.

In exercise of the powers conferred by sections 4 and 5 of the Indian Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)<sup>1</sup> and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules for the guidance of the Agency courts in Kathiawar.

*Rules.<sup>2</sup>*

1. No suit shall lie against a tributary Chief or Talukdar, or against any sub-sharer of a tributary Chief or Talukdar, in respect of any debt contracted by the predecessor of such Chief or Talukdar or sub-sharer unless—

(a) the claim has been admitted by the tributary Chief or Talukdar or sub-sharer ; or

(b) the debt has received the written approval of the Political Agent.

2. Courts presided over by an Agency Officer shall not, save in the exercise of residuary judisdiction, take cognizance of any other pecuniary claim against a tributary Chief or Talukdar or any sub-sharer of a tributary Chief or Talukdar, unless the Political Agent's certificate consenting to the hearing of the claim is first obtained.

[*Gazette of India*, 1900, Pt. I, p. 390.]

Porbandar Pilgrim  
Regulations, 1901.

No. 59, dated the 21st December 1901.—The following rules are hereby published for information and guidance of all concerned.

*Regulations for the conveyance of pilgrims from Porbandar to the Hedjaz.*

1. In these regulations unless there is anything repugnant in the subject or context—

(1) "pilgrim" means a Muhammadan passenger going to the Hedjaz ; but it does not include a child under one year of age :

(2) "pilgrim ship" means a ship conveying or about to convey pilgrims from Porbandar to any port in the Red Sea other than Suez :

Provided that no ship carrying passengers other than pilgrims of the lowest class and having on board pilgrims of the lowest class in a less proportion than one pilgrim for every one hundred tons of the gross tonnage of the ship shall be deemed to be a pilgrim ship within the meaning of these regulations.

<sup>1</sup>See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>2</sup>It is a rule in the Kathiawar Agency Political Courts that on pecuniary claims against Talukdars of all classes no higher interest shall be allowed than 6 *per cent.* simple interest on principal actually due, and that all debts on account of which the payments shall have equalled double the amount of the original claim or the original claim *plus six per cent.* compound interest shall be considered as discharged. (*Agency Circulars* No. 28, dated the 31st May 1869, and No. 21, dated the 26th November 1910.)

*Explanation.*—A “pilgrim of the lowest class” is a pilgrim for whom no separate accommodation in any cabin, state-room or saloon is reserved :

(3) “voyage” means the whole distance between a pilgrim ship’s port or place of departure and her final port or place of arrival :

(4) “Magistrate” means a person exercising powers not inferior to those of a Magistrate of the second class :

(5) “prescribed” means prescribed by rules which have been made and notified by the Governor General in Council under the Pilgrim Ships Act (XIV of 1895).

(6) “pilgrim-broker” means a person who buys and re-sells or sells on commission, or takes any reward for the purchase or sale of, passage-tickets for pilgrims :

(7) “Agent” includes a persons who has chartered a ship for the conveyance of pilgrims :

2. Every passenger, whether a pilgrim or not on board a pilgrim ship shall be deemed to be a pilgrim for the purposes of these regulations.

3. The master, owner or agent of a pilgrim ship departing or proceeding from Porbandar shall give notice to an officer appointed in this behalf by the Political Agent, Kathiawar, that she is to carry pilgrims, and of her destination and of the proposed time of sailing.

4. (1) No pilgrim ship shall commence a voyage from Porbandar unless the master holds three certificates to the effects mentioned in the three next following regulations.

(2) The officer whose duty it is to grant a port-clearance shall not grant it unless the master holds those certificates.

5. The first of the certificates (hereinafter called “Certificate A”) shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of pilgrims of each class which she is capable of carrying.

6. The second of the certificates (hereinafter called “Certificate B”) shall state :—

(a) the voyage which the ship is to make, and the intermediate ports (if any) at which she is to touch ;

(b) that she has the proper complement of officers and seamen ;

(c) that food, fuel and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for pilgrim ships have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the pilgrims on board

during the voyage which she is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed ;

- (d) that the master holds Certificate A ;
- (e) that she is propelled principally by steam :
- (f) that she is of the tonnage and steam-power (if any) prescribed ;
- (g) that, if she is to carry more than one hundred pilgrims, she has on board the medical officers, or medical officer, required by the Pilgrim Ships Act, 1895, and the prescribed attendants ;
- (h) such other particulars (if any) as may be prescribed.

7. The third of the certificates (hereinafter called "Certificate C") shall be a certificate signed by the Collector of Customs at Bombay or his Assistant to the effect that a bond has been duly executed by the master and owner or agent of the ship, or by the master alone in favour of the Secretary of State for India in Council, ensuring that the master will carry out the provisions of the Pilgrims Ships Act, 1895, and the Rules and Regulations thereunder in the same manner as if the said Act, Rules and Regulations had by the Legislature been specifically made applicable to the ship in question.

8. Certificate A shall be granted by an authorized person at Bombay and Certificate B by the officer appointed under Regulation 3.

9. (1) The officer authorized to grant a certificate under regulation 8 in respect of a pilgrim ship shall not grant it unless he is satisfied that she has on board no cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the pilgrims embarked.

(2) But save as aforesaid it shall be in the discretion of the officer to grant or withhold a certificate subject to the control of the Political Agent, Kathiawar.

10. The officer appointed in this behalf by the Political Agent, Kathiawar, shall satisfy himself that all provisions of the Pilgrim Ships Act, 1895, applying to pilgrim ships are duly carried out, but if he is satisfied that a pilgrim has brought on board a pilgrim ship for his own use food of the prescribed quality and in the prescribed quantity, the requirements of the aforesaid Act respecting the supply of food for pilgrims shall not apply so far as regards the supply of food for that pilgrim.

11. No pilgrim shall be received on board any pilgrim ship at Porbandar unless and until he has been medically inspected at such time and place, and in such manner as the Camp Superintendent may fix in this behalf, nor until that officer has given permission for the embarkation of pilgrims to commence.

(2) If, in the opinion of the officer making an inspection under this Regulation, any pilgrim is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, such pilgrim shall not be permitted to embark.

(3) All articles which have been contaminated by persons suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or are suspected of having been so contaminated, shall, before being taken on board a pilgrim ship, be disinfected under the supervision of the Medical Officer of the Camp.

12. (1) If in any case a pilgrim ship does not proceed on her voyage within forty-eight hours after all the pilgrims have been received on board, and there is reason to suspect that any person on board is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, a medical inspection of all persons on board may be held in such manner as the Medical Superintendent of the Camp may direct.

(2) If on such inspection any person is found to be suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, he shall, together with all articles belonging to him, be at once removed from the ship.

13. So far as may be practicable, and subject to any further regulations which may be made, the medical inspection of female pilgrims shall be carried out by women.

14. (1) Every pilgrim shall be entitled on payment of his passage-money and fulfilment of the other prescribed conditions (if any) to receive a ticket in the prescribed form, and shall be bound to produce the same to such officers and on such occasions as may be prescribed, and otherwise to deal with the same in the prescribed manner.

(2) Every pilgrim prevented from embarking under Regulation 11 or removed from the ship under Regulation 12 or otherwise prevented from proceeding shall be entitled to the refund of any passage-money he may have paid, subject to any conditions or deductions which may be prescribed.

15. Any person who, without a license from the Political Agent, Kathiawar, acts as a pilgrim-broker at Porbandar shall be liable for each such offence to a fine which may extend to five hundred rupees, provided that in the case of a person who is already licensed as a pilgrim-broker under Bombay Act II of 1887, it will be sufficient for the purpose of this regulation if such person has his license countersigned by the Political Agent, Kathiawar.

16. Any licensed pilgrim-broker who shall—

- (a) commit a breach of any of the terms or conditions of his license ;
- (b) purchase for or sell to any pilgrim a passage-ticket by any pilgrim ship to which these Regulations apply, at any time before notice has been given by the master, owner, or agent of such ship under Regulation 3 of these Regulations of the date on which it is proposed that such ship shall sail, and unless, in the case of any ship, the proposed date of sailing is printed on the passage-ticket ;
- (c) charge a pilgrim more than the cost price of any passage-ticket, provisions, or other articles purchased for him, or receive from him any fee or commission on account of such ticket ;
- (d) receive from the master, owner, or agent of a pilgrim ship any fee or commission in respect of the sale of any ticket, exceeding five per centum of the price of such ticket ;
- (e) purchase for any pilgrim a passage-ticket, on which there is not printed the price charged by the master, owner, or agent of the pilgrim ship for each class of accommodation ;
- (f) by fraud or by false representation as to the size of, or accommodation on board, such ship, or otherwise, or by any false pretence whatever, induce any person to purchase a passage-ticket ;

shall be liable for each such offence to a fine which may extend to five hundred rupees.

17. (1) Offences against these Regulations shall be punishable by a Magistrate.

(2) If the person on whom a fine is imposed under these Regulations is the master or owner of the pilgrim ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment by warrant, direct the amount remaining unpaid to be levied by distress and sale of such pilgrim ship, her tackle, furniture and apparel.

18. The penalties to which masters, owners of pilgrim ships and pilgrim-brokers are made liable by these Regulations shall be enforced only on information laid at the instance of officers granting certificates under these Regulations or at the instance of the Camp Superintendent.

No. 5272, dated the 4th August 1903.—In exercise of the power delegated by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I A., dated the 19th June 1903, and of all other powers enabling him in this behalf the Governor in Council is pleased, in supersession of the notification No. 25, dated the 19th May 1894, published in the *Kathiawar Political Agency Gazette* of the 24th May 1894 to make the following rules regulating the grant of interstatal and other loans in the States of the Kathiawar Agency, namely :—

1. Loans by one Ruling Chief to another will not in any way be recognised by the Agency, unless the previous sanction of the Government of India has been obtained. In this connection it is immaterial whether the money to be advanced comes from a Chief's private purse or from his State revenues.
2. Loans between Ruling Chiefs and their feudatories or between feudatories themselves may or may not, according to the circumstances of the case, be recognised by the Agency, and it is therefore expedient to report any such loan to the Agency for approval. No loan to a near relative, feudatory or jaghirdar of one Ruling Chief by the Ruling Chief of another State will be recognised by the Agency, unless it has received the previous sanction of Government, in as much as it is contrary to rule for one State to interfere in the internal affairs of another.

[*Bombay Government Gazette*, 1903, Pt. I, p. 957.]

No. 5559, dated the 18th August 1903.—In exercise of the powers and jurisdiction delegated by the Governor General in Council by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, the Governor in Council is pleased, in supersession of

Immoveable Property  
Dispute Rules, 1903.

of \* \* \* \* \*  
all existing rules on the same subject, to make the following rules regulating the powers and jurisdiction of officers of the Kathiawar Agency to issue, in the exercise of their political executive functions, injunctions and possessory orders in disputes relating to immoveable property, namely :

1. When any complaint of one or more of the parties to a dispute relating to the possession or enjoyment of immoveable property situate within his jurisdiction has been brought, by petition either direct or through a subordinate official, before an officer of the Kathiawar Agency of a rank not below that of a Political Agent, such officer may, after hearing, either orally or by

<sup>1</sup> Printed in Appendix III.

writing, both parties, issue an injunction or order as the nature of the case may seem to him to require, determining actual possession or the *prima facie* relations of the disputants pending proceedings by regular suit.

2. Subject to the general appellate and revisional authority of the Agent to the Governor, every such injunction or possessory order passed by a Political Agent shall continue in force and binding on all persons affected unless and until ousted by a decree or order obtained by regular suit in a Court of competent jurisdiction.

3. Any suit instituted by any person bound by any such injunction or possessory order or by any one claiming under such person, shall be dismissed, although limitation has not been set up as a defence, unless it has been instituted within the period of two years\* from the date of such injunction or possessory order :

Provided that, where the plaintiff in any such suit is a person of political status, such extension of the said period may be granted by the Political Agent in whose Court such suit is instituted, as he may deem just and reasonable.

[*Bombay Government Gazette*, 1903, Pt. I, p. 1007.]

Kathiawar Agency  
Political Courts  
Rules, 1903.

No. 5570, dated the 18th August 1903.—In exercise of the power and jurisdiction delegated by Government of India, Foreign Department, notification<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous Rules on the subject, to prescribe with effect from September 1st, 1903, the following revised Rules for defining the jurisdiction (original and appellate) to be exercised by the Political Courts of the Agency in Kathiawar and for regulating the right of appeal, limitation by time, and payment of Court fees by parties, in regard to political suits and appeals.

## I.

### COURTS.

The Courts of the Political Agency which are empowered to hear and dispose of political suits or appeals, are—

- (i) The Political Agents' Courts.
- (ii) The Agent to the Governor's Court.

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<sup>1</sup> Printed in Appendix III.



## II

## JURISDICTION OF COURTS.

2. The following suits should ordinarily be considered Political :—

- (i) Suits to which a Chief of any of the first four classes is a party.<sup>1</sup>
- (ii) Cases affecting the interests of the tributary Chiefs, of whatever class, in regard to sovereign rights, jurisdiction, tribute or allied payments, maintenance to members of the Chief's family, compensation for injury done by outlaws or highway robbers (*Walthar*),<sup>2</sup> territory, boundaries, political status or prerogative.

*Explanation.*—Claims for inheritance or partition of Estates in the families of Chiefs below the fourth class should ordinarily be heard as civil suits; but this does not include cases which raise the issue of a right of succession to a Chiefship to which jurisdictionary powers are attached, or an issue of an inheritance to, or partition of, any Estates in which a jurisdictional Chief or tribute-paying Talukdar has an interest direct or indirect.

3. The Courts of the Political Agents possess an original jurisdiction in political suits of all descriptions without limit as to value.

4. Political suits should be filed in the Court of the Political Agent of the Prant in which the cause of action arises as the lowest Court competent to try them, but the Agent to the Governor may transfer a suit for trial from any Political Agent's Court to his own Court or to any other Political Agent's Court.

<sup>1</sup> Appeals from decisions of States of the first four classes in disputes relating to *giras* between them and their Bhayats and Mulgirasias lie to the Agent to the Governor by whom they are dealt with as political suits. Notification No. 12, dated the 9th March 1900. *Kathiawar Agency Gazette*, 900, p. 52.

<sup>2</sup> A summary of the local rules and practice on the subject of *Walthar* is contained in the Agency notification No. 30, dated the 4th July 1884 (*Kathiawar Agency Gazette*, 1884, p. 179), the main features of which are :—

- A. The liability of the Kathiawar States to *Walthar* is regulated by their treaty engagements.
- B. Subject to those engagements, *Walthar* is claimed for British subjects only—
  - (a) where the state of crime in the district is notorious;
  - (b) where neglect to assist the person plundered is proved;
  - (c) where connivance with, or abetment of, the plunderers by the officials of the Chief can be established.
- C. Political fines can be inflicted on Chiefs for defaults in police arrangements, in such cases as, e.g.,—
  - (a) for default in carrying on tracks of thieves brought to a Talukdar's village,
  - (b) for defective police on occasion of a burglary or robbery or pursuit,
  - (c) for harbouring thieves when it is clearly proved that thieves who have committed robbery in another province came from and returned to a Kathiawar Taluka.

Part or the whole of a fine may be awarded as compensation to the injured party at the discretion of the Political Officer who disposes of the case.

5. If a Political Agent considers that a suit which has been filed as a political suit should be heard as a civil suit, he shall refer the question to the Agent to the Governor whose decision, subject to the general or special orders of Government, shall be final. Any party to a suit may also apply to the Agent to the Governor for an order that a political suit shall be heard as civil suit.

### III.

#### APPEALS.

6. An appeal shall lie from the decision of a Political Agent's Court to the Court of the Agent to the Governor.

7. The Agent to the Governor shall not refer political appeals to the Judicial Assistant for *disposal*, but should dispose of them as he thinks proper, being at liberty to refer for the report of the Judicial Assistant either the whole case or any point that he may consider to require judicial investigation. The report of the Judicial Assistant on such reference may take the form of a final order, and if countersigned by the Agent to the Governor, will then issue as the Agent to the Governor's order.

8. A further appeal shall lie to the Governor in Council in all political cases.

### IV.

#### LIMITATION.

#### A.

##### *Appeals to the Agent to the Governor.*

9. The period for presenting appeals to the Court of the Agent to the Governor from the decisions and orders of the Political Agents in political cases, of which the matter in litigation is of a kind that would ordinarily form the subject of a civil suit or matter for orders by Civil Courts, shall be limited to sixty days with the same qualifications as to the calculation of the period as apply to ordinary civil cases.

10. Where such questions as sovereignty, jurisdiction, tribute, territory, political status or prerogative are involved, a period of four months will be allowed, with such further extension in any case as, in the judgment of the Agent to the Governor, may appear just and reasonable.

#### B.

##### *Appeals to Government.*

11. The period for presenting appeals to Government from the decisions of the Agent to the Governor in political cases, of which the matter of complaint is either of an administrative or miscellaneous nature, or of a kind which would ordinarily form the subject of a civil suit or matter for orders of Civil Courts as between private individuals, shall be ninety days with the

same qualifications as to the calculation of the period as apply to ordinary civil cases. All applications to Government for review of a decision by Government shall be governed by a like limitation.

12. Where such questions as sovereignty, jurisdiction, tribute, territory, political status or prerogative are involved, a period of six months will be allowed for the presentation of an appeal against the decision of the Agent to the Governor, but the appellant must obtain a certificate from the Agent to the Governor within thirty days of receipt of his decision that the case is of a nature which entitles it to this extended period of limitation.

#### V.

##### MANNER OF SUBMITTING APPEALS AND REJOINDERS.

13. Appeals to the Governor in Council shall be submitted to the Agent to the Governor in triplicate, accompanied by authenticated copies of the judgments and decrees of both the Lower Courts, and by certified translations of any documents on which the suit has been brought or which may be relied on in appeal.

14. The Agent to the Governor shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by Government. If Government call for a rejoinder, the Agent to the Governor shall cause one copy of the special appeal to be served on the respondent with a notice requiring him to submit, in duplicate, to the Agent to the Governor any reply he may wish to make within 30 days from the service of such notice, provided that such time may be extended to 60 days at the discretion of the Agent to the Governor.

#### VI.

##### COURT-FEES.

15. No Court-fees for the institution or filing of political suits or appeals or applications at any stage of the proceedings connected therewith shall be levied from the parties concerned :

Provided that when—

- (a) the suit is brought by any unprivileged person whose claim is rejected or otherwise fails, and
- (b) the Court which passes the final decision considers that such claim was false and vexatious, or that there was no reasonable or probable ground for the same :

such Court may order the recovery from such unprivileged person of Court-fees for the institution of the suit at the rates which would be leviable under the scale of the fees for the time being in force under the Agency Civil Court Rules.

[*Bombay Government Gazette*, 1903, Pt. I, p. 1007.]

*No. 6336-A., dated 22nd September 1903.*—In exercise of the power and jurisdiction delegated by Government of India, Foreign Department, notification<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous Rules on the subject, to prescribe, with effect from October 1st, 1903, the following revised Rules for defining the civil jurisdiction (original and appellate) to be exercised by the Courts of the Political Agency in Kathiawar, for regulating the right of appeal and the payment of Court-fees by parties, and for ensuring punctuality in the discharge of judicial business. Nothing herein contained shall be deemed applicable to political suits save as may be expressly so ordered by the Governor in Council.

I

The Courts of the Political Agency, whether permanent or temporary, are classed as—

- (1) Subordinate Agency Courts.
- (2) Political Agents' Courts.
- (3) The Agent to the Governor's Court, including the Court of his Judicial Assistant.

II

The Subordinate Courts comprise the Courts of the Thandars and Deputy Assistant Political Agents, and their jurisdiction is limited to suits classed as "Civil" of all descriptions—(i) of the value specified for each Court in Appendix A, subject to such alterations as the Agent to the Governor, with the sanction of Government, shall from time to time direct : (ii) of any value specially referred to them by order of the Agent to the Governor.

(2) The Courts of the Political Agents possess an original jurisdiction in suits of all descriptions without limit as to value.

(3) Every suit shall be instituted in a Court of the lowest grade competent to try it, but the Agent to the Governor may transfer a suit from any Court to his own Court or to any Court subordinate to himself, and in like manner the Judicial Assistant may transfer any suit from any of the subordinate Agency Courts to his own Court or to any other of the subordinate Agency Courts, as classified by Appendix A :

Provided that if during the hearing of any suit it is found that owing to a mistake in valuation or other cause it has been instituted in a Court of a higher grade than required, it shall be within the discretion of such Court to allow the hearing to proceed or at any stage to return the plaint for presentation to the proper Court.

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<sup>1</sup> Printed in Appendix III.

(4) Any proceedings pending in any Civil Court of the Agency in respect to any debt or liability of a Talukdar whose estate is attached by the Agent to the Governor on account of its being encumbered shall, on the publication of the order of attachment in the *Agency Gazette*, be stayed; and the operation of all processes, executions and attachments then in force for, or in respect of, such debts and liabilities shall be suspended; and so long as such attachment continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any such Court in respect of such debts and liabilities.

(5) As no holder or sub-sharer of any estate assessed for Government or Gaekwari tribute is liable for any debt or liability incurred by his predecessor unless he has admitted the claim in writing or unless such debt or liability has received the written sanction of the Agent to the Governor, no Agency Court shall entertain any suit against any such holder or sub-sharer in respect of any such debt or liability not admitted or sanctioned as aforesaid.

(6) Save in the exercise of residuary jurisdiction no Agency Court shall entertain any suit against any holder or sub-sharer of an estate assessed for Government or Gaekwari tribute without the sanction of the Agent to the Governor.

(7) No Agency Court shall, without the sanction of the Agent to the Governor, give any effect whatever to any decree in respect of a pecuniary claim or debt or mortgage passed against any holder or sub-sharer of an estate assessed for Government or Gaekwari tribute after the death of such holder or sub-sharer, unless the said claim, debt or mortgage has been admitted in writing by the successor against whom the decree is sought to be enforced or has received the written sanction of the Agent to the Governor.

(8) If a Political Agent, Deputy Assistant Political Agent or Thandar considers that a suit which has been filed as a civil suit should be heard as a political suit he shall refer the question to the Agent to the Governor, whose decision, subject to the general or special orders of Government, shall be final. Any party to a suit may also apply to the Agent to the Governor for an order that a civil suit shall be heard as a political suit.

### III.

An appeal either, on law or fact, lies from the decision of a subordinate Court or of a Political Agent's Court to the Court of the Agent to the Governor; but

(2) if the suit should be of a nature cognizable by a Small Cause Court and of a value not exceeding Rs. 1,000 or if of any higher value with the consent of the parties, decision of the Agent to the Governor's Court shall be final;

(3) if the suit, being of a nature not cognizable by a Small Cause Court, should relate to moveable property, the decision of the Agent to the Governor's Court shall be final if it confirm the decision appealed against :

(4) if the suit should come under the last preceding clause, and the Court of the Agent to the Governor should reverse or modify in some material point the decision appealed against, a further appeal on any of the grounds indicated in section 584 of the Code of Civil Procedure shall lie to the Governor in Council, if the case, as hereinafter provided, is certified to be a fit one for appeal to the Governor in Council : Provided always that the decision of the Agent to the Governor's Court shall be final with the previous consent of the parties to the suit.

(5) In all suits relating to immoveable property or any interest therein a further appeal on any of the grounds indicated in section 584 of the Code of Civil Procedure shall lie to the Governor in Council if the case, as hereinafter provided, is certified to be a fit one for appeal to the Governor in Council.

(6) All appeals presented to the Governor in Council under clauses (4) or (5) of this rule must be accompanied by a certificate signed by the Agent to the Governor or his Judicial Assistant that the case is a fit one for appeal to the Governor in Council.

#### IV.

All appeals from the decisions of subordinate Courts and the Courts of the Political Agents should be addressed to the Agent to the Governor. The appeals in cases classed as " Civil " will ordinarily be referred by him to his Judicial Assistant for disposal. This order may, at the Agent to the Governor's discretion, be special for each case, or general for any class of cases, provided that he may, if he think fit for special reasons reserve any case for his own hearing.

#### V.

(1) Save as herein provided all decisions by the Judicial Assistant in appeal in civil cases delegated to him by the Agent to the Governor shall take effect without requiring the confirmation of the Agent to the Governor, and subject to the reservations set forth in Rule III are appealable direct to the Governor in Council.

Provided that if in any case the Judicial Assistant is of opinion that any important question of a political nature is involved he shall submit his judgment or order to the Agent to the Governor in Káthiáwár together with the record of the proceedings for his countersignature before pronouncing the same.

If the Agent to the Governor countersigns the Judicial Assistant's judgment or order, it shall be the judgment or order of the Court. If the Agent to the Governor does not concur with the judgment or order of the Judicial Assistant he shall set it aside and after having the case re-argued before himself, if he shall think it necessary, shall record his own judgment or order which shall then be deemed to be the judgment of the Court.

(2) Appeals to the Governor in Council shall be submitted to the Agent to the Governor in triplicate, accompanied by authenticated copies of the judgments and decrees of both the Lower Courts, and by certified translations of any documents on which the suit has been brought, or which may be relied on in appeal, within 90 days of the decree appealed against, exclusive of the time taken up in obtaining copies.

(3) The Agent to the Governor shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by Government. If Government call for a rejoinder, the Agent to the Governor shall cause one copy of the special appeal to be served on the respondent with a notice requiring him to submit, in duplicate, to the Agent to the Governor any reply he may wish to make within 30 days from the service of such notice : Provided that such time may be extended to 60 days at the discretion of the Agent to the Governor.

## VI.

In all suits transferred by the Agent to the Governor from any Subordinate or Political Agent's Court to the Court of his Judicial Assistant, for original hearing, a first appeal shall lie to the Agent to the Governor personally.

## VII.

Subject to the orders of the Agent to the Governor, it is the duty of the Judicial Assistant to call for and examine returns of civil business in the Subordinate and Political Agent's Courts, according to such forms as may, from time to time, be prescribed by the Agent to the Governor with the sanction of the Governor in Council and he is authorised to send for the proceedings in any case for inspection. All irregularities and undue delays that may be discovered should be reported by the Judicial Assistant for the orders of the Agent to the Governor.

(2) The Judicial Assistant is also authorised to send for proceedings in non-appealable cases from the Subordinate Agency Courts for purposes of revision as well as of inspection in the spirit of Chapter XLVI of the Code of Civil Procedure.

(3) He should further submit an annual report on the state of Judicial business for inclusion in the Agent to the Governor's Administration Report.

VIII.

In suits in the Courts of first instance and in the Appellate Courts of the Agency fees will be levied as per annexed schedule (Appendix B).

<sup>1</sup>*Exceptions.*—Nothing in the said schedule shall render the following documents chargeable with a fee under these rules :—

(i) First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit (not being an affidavit made for the immediate purpose of being produced in Court).

(ii) Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

(iii) Petition by a prisoner.

(iv) Application for the payment of money due by Government to the applicant.

No appeal to the Governor in Council will be received without payment of the fees prescribed below (unless the appellant shall have been authorized by the Agent to the Governor or Judicial Assistant to appeal *in forma pauperis*). Where the value of the property claimed, as computed in the original Court,

does not exceed Rs. 25, a fee should be paid of Rs. 2 :

exceeds Rs. 25 but not Rs. 50 a fee shall be paid of Rs. 4

50	100	8
100	150	12
150	200	16

and so on, being at the rate of a fee of Rs. 4 for every Rs. 50 of value claimed, up to the amount of Rs. 10,000. But in suits for recovery of a value greater than Rs. 10,000, the fee shall be calculated at the rate of 8 per cent. on each additional Rs. 100 or fraction of Rs. 100 above that limit.

APPENDIX A.

*List of Subordinate Civil Courts under the Kathiawar Political Agency referred to in Rule II.*

No.	Name of Courts.	Proposed jurisdiction.
1	The Court of the Deputy Assistant Political Agent, Jhalavad prant	Rs. 5,000
2	Do. do. Sorath Prant	5,000
3	Do. do. Halal Prant	5,000
4	Do. do. Gohelwad Prant	5,000

<sup>1</sup> These exceptions were inserted by notification No. 2307, dated the 9th April 1913. *Bombay Government Gazette*, 1913, Pt. I, p. 558.



*List of Subordinate Civil Courts under the Kathiawar Political Agency referred to in Rule II--contd.*

No.	Name of Courts.	Proposed jurisdiction.
5	The Court of Small Causes, Rajkot Civil Station . . . . .	Rs. 500
6	The Court of the Thándár at Dhráfa . . . . .	500
7	Do. do. Bábura . . . . .	500
8	Do. do. Bagasra . . . . .	500
9	Do. do. Chotila . . . . .	500
10	Do. do. Lakhápadar . . . . .	500
11	Do. do. Wadhwan Civil Station and Vithalgadh . . . . .	500
12	Do. do. Bhoika . . . . .	500
13	Do. do. Dasáda . . . . .	500
14	Do. do. Lodhika and Mulila . . . . .	500
15	Do. do. Páliád . . . . .	500
16	Do. do. Songadh and Chamardi . . . . .	500
17	Do. do. Chok and Dátha . . . . .	500

## APPENDIX B.

*Schedule of Court-fees.**Ad valorem fees.*

[The first portion relating to *ad valorem* fees is not re-printed. It reproduces Articles 1,\* 2, 4 (re-numbered 3), 5 (re-numbered 4), 12 (re-numbered 6) and 12A† (re-numbered 7) together with the *Table of rates of ad valorem fees leviable on the institution of suits* from Schedule I to the Court-fees Act, 1870 (VII of 1870) except that the description in Article 2 is :—

“Plaint or memorandum of appeal in a suit by a person dispossessed of immoveable property otherwise than by due course of law, where the suit is brought within six months from the dispossession, and is for recovery of possession only, without reference of title.”

It also inserts the following Article in lieu of Articles 6—9 in the Schedule to the Act :—

“5. Copy of translation of a judgment, order, decree or other paper in a suit (or from the records of the Agency Offices).

.....

One rupee as attestation fee, together with 2 annas per 100 words or fraction of 100 words of English and 1 anna per 100 words or fraction of 100 words of Gujaráti, as comparing fee; and Rs. 2 as searching fee for each year of which the Daftar is searched, if the number, date and other necessary particulars be not accurately specified in the application.”

\* Article 1 in the Act was substituted by the Resolution of the Bombay Government, No. 6613, dated the 6th October 1909.

† As it stood before amendment by Act VII of 1910.

*Fixed Fees.*

Number.		Proper Fee.
1. Application or petition . . .	<p>(a) When presented to any Civil, Political or Criminal Court or to any executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order, or of any other document from the record of the Agency.</p> <p>(b) When presented to a Subordinate Civil Court or to a Small Causes Court in relation to any suit or case in which the amount or value of the subject-matter is less than 50 rupees.</p> <p>(c) When containing a complaint or charge of any offence other than an offence for which Police Officers may under the Code of Criminal Procedure arrest without warrant and presented to any Criminal Court.</p> <p>(d) When presented to a Civil or Criminal Court or an executive officer of and below the rank of a Deputy Assistant Political Agent and not otherwise provided for.</p> <p>(e) When presented to a Civil, Political or Criminal Court or an executive officer of the rank of Political Agent and not otherwise provided for.</p> <p>(f) When presented to the Agent to the Governor or the Court of the Agent to the Governor and not otherwise provided for.</p> <p>(g) When presented to the Agent to the Governor or the Court of the Agent to the Governor for the exercise of its powers as a High Court, and not otherwise provided for.</p>	<p>One auna.</p> <p>One auna.</p> <p>Eight annas.</p> <p>Four annas.</p> <p>Eight annas.</p> <p>One rupee.</p> <p>Two rupees.</p>
2. Application for leave to sue or appeal as a pauper.	.....	One rupee.
3. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under the Civil or Criminal Procedure Code or by a Political Court.	.....	Eight annas.
4. Mukhtyarnama or Vakalat-nama.	<p>When presented for the conduct of any one case—</p> <p>(a) to any Civil, Political or Criminal Court or any executive officer except such as are mentioned in clause (b) of this number.</p> <p>(b) to the Agent to the Governor or the Court of the Agent to the Governor for the exercise of its powers as a High Court.</p>	<p>One rupee.</p> <p>Two rupees.</p>

<sup>1</sup>*Fixed Fees*—contd.

Number.		Proper Fee.
5. <sup>2</sup> Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree and is presented—	(a) to any Civil Court other than a High Court, or to any Revenue Court, or Executive officer other than the High Court or Chief Controlling Revenue or Executive authority. (b) to a High Court, or Chief Controlling Executive or Revenue Authority. .. ..	Eight annas.  Two rupees. Five rupees.
6. Complaint or memorandum of appeal in a suit to obtain possession of a wife or for conjugal rights.		
7. Complaint or memorandum of appeal in each of the following suits :—  (i) to alter or set aside a summary decision or order of any Civil Court : (ii) to obtain a declaratory decree where no consequential relief is prayed : (iii) to set aside an award : (iv) to set aside an adoption : (v) every other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for.	.. ..	Ten rupees.
8. Application under Section 523 of the Code of Civil Procedure.		
9. <sup>2</sup> Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.		

[Bombay Government Gazette, 1903, P. I, p. 1255.]

No. 4797, dated the 2nd August 1905.—In exercise of the power delegated by notification of the Government of India,<sup>3</sup> No. 2859-I. A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following rules for the protection of

Kathiawar Agency.  
Abkari Rules, 1905.<sup>1</sup> Footnote 1 on page 82 *supra* applies equally in the Kathiawar Agency.<sup>2</sup> Substituted by the Resolution of the Bombay Government, No. 6613, dated the 6th October 1909.<sup>3</sup> Printed in Appendix III.

the Abkari revenue in the Kathiawar Agency in modification of the Kathiawar Agency Abkari Rules published at pages 47-53 of the *Kathiawar Agency Gazette*, dated the 27th February 1896 :

1. These rules shall be called the "Kathiawar Agency Abkari Rules" and shall extend to the limits of the Agency Stations, Thana Circles and Railway lines under the Kathiawar Political Agency.

2. These rules shall come into force from such date<sup>1</sup> as the Agent to the Governor, Kathiawar, may notify in the *Agency Gazette*.

3. In these rules unless there is something repugnant in the subject or context :—

(a) "Country liquor" includes all liquors produced or manufactured locally.  
Country liquor. locally.

<sup>2</sup>Includes spirits of wine, spirits, wine, toddy, beer and all liquid consisting of or containing alcohol.  
Liquor. of or containing alcohol.

(b) "Intoxicating drug" includes ganja, bhang and every preparation and admixture of the same, but does not include opium or anything included within the meaning of that word as defined in the opium rules published at pages 202—206 of Naylor's Manual Appendix.  
Intoxicating drug.

(c) "Import and Export" include respectively the conveying into or out of any part of the above said districts from or to any other part of India.  
Import and Export.

(d) "Manufacture" includes every process whether natural or artificial by which any spirituous, fermented or intoxicating liquor or intoxicating drug is prepared and also every process for the rectification of liquor.  
Manufacture.

(e) "Transport" means the moving of liquor and intoxicating drugs from any one place to any other place within the area to which the rules are extended.  
Transport.

3-A. No country liquor or intoxicating drug shall be imported or exported into or out of the area to which these rules are extended except under a permit granted by the Agent to the Governor or by the Political Agent in charge of a Prant or by any other Agency official authorized in this behalf by the Agent to the Governor.  
Import and export of country liquor and intoxicating drugs.

<sup>1</sup> The 10th August 1905.

<sup>2</sup> *Sic.* Read "liquor includes."

4. No country liquor or intoxicating drug exceeding such quantity as the Agent to the Governor, Kathiawar, may from time to time prescribe by notification shall be transported or removed from any one place to any other place of the above said districts without a permit from such authority as the Political Agent in charge of a Prant may notify.

5. No liquor or intoxicating drug shall be manufactured, no distillery or brewery shall be constructed or worked and no person shall use, keep or have in his possession any material, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor or any intoxicating drug except under the authority and subject to the terms and conditions of a license to be granted by the Political Agent in charge of a Prant or an officer duly empowered by him in this behalf and no new distillery or shop for selling intoxicating drugs shall be opened without the sanction of the Agent to the Governor, Kathiawar.

6. Except as is hereinafter otherwise provided, no liquor and intoxicating drug shall be sold without a license or pass from the Political Agent in charge of a Prant or an officer duly empowered by him to give such license.

7. No country liquor or intoxicating drug exceeding such quantity as the Agent to the Governor, Kathiawar, may from time to time prescribe by notification shall be sold by retail to one and the same person in the aggregate on any one day or be possessed by any person without a license or permit obtained from an officer empowered by the Political Agent in charge of a Prant to grant such licenses or permits.

8. The Agent to the Governor, Kathiawar, may prescribe from time to time occasions on which special orders may be granted for the retail sale of larger quantities than those prescribed above and the conditions on which such sales may be made.

9. The duty leviable on account of a license for the privileges of manufacture and retail sale of liquor and intoxicating drug will be fixed by the Political Agent in charge of a Prant who before granting any such license may order

the said privileges to be put up to auction or he may dispose of licenses in other ways if deemed expedient and the auction shall be held subject to confirmation of the Political Agent in charge of a Prant. The amount of the bid which he accepts should be divided in instalments and conditions of sale and other details shall be fixed by the Political Agent in charge of a Prant.

10. Every license, permit or pass granted under these rules shall be  
Form and conditions of license, granted in such forms and contain such parti-  
etc. culars as the Agent to the Governor, Kathiawar, may from time to time direct.

11. The Agent to the Governor, Kathiawar, or the Political Agent in  
charge of a Prant may summarily recall or  
Power to recall license, etc. cancel any license, permit or pass granted  
under these rules—

- (a) if any fee or duty payable by the holder thereof be not duly paid ; or
- (b) in the event of any breach by the holder of such license, permit or pass or by his servants or by anyone acting with his express or implied permission on his behalf of any of the terms or conditions of such license, permit or pass ; or
- (c) if the holder thereof is convicted of any offence against these rules or any other law for the time being in force relating to abkari revenue or of any criminal offence.

12. All duties, taxes, fines and fees leviable under any of the foregoing  
provisions of these rules or of any license,  
Recovery of duties. permit or pass issued under them and all  
amounts due from any farmer under these rules may be recovered from the person primarily liable to pay the same, or from his security (if any) as if they were arrears of Government or State revenue.

13. The Agent to the Governor, Kathiawar, or any other officer duly  
empowered by him in this behalf or any  
Power to enter and inspect places of manufacture and sale and to enter, seize and arrest on information that liquor, etc., is unlawfully kept in any enclosed place. Magistrate or Inspector or Chief Constable may—

- (a) enter and inspect at any time by day or by night any shop or premises in which any licensed manufacturer or vendor carries on the manufacture or sale of any liquor or intoxicating drug or stores any such liquor or drug and examine, test, measure, or weigh any such person's stock of liquor, drugs or materials ; or

- (b) enter at any time by day or by night any building, vessel or enclosed place in which he has reason to believe that liquor or any intoxicating drug liable to confiscation under these rules is manufactured, kept or concealed, or that any still, utensil, implement or apparatus is used, kept or concealed for the purpose of manufacturing liquor or any intoxicating drug contrary to these rules ; and
- (c) in case of resistance, break open any door and remove any other obstacle to his entry into any such shop, premises, building, vessel or other place ; and
- (d) seize any liquor or drug and any material used in the manufacture thereof and still, utensil, implement or apparatus and any other thing which he has reason to believe to be liable to confiscation under these rules or under any other rules for the time being in force relating to abkari revenue ; and
- (e) detain and search, and if he thinks proper arrest any person whom he has reason to believe to be guilty of any offence under these rules or any other law for the time being in force relating to abkari revenue.

Power to seize liquor, etc., in open places and to detain, search and arrest.

#### 14. Any Magistrate or any Police Officer—

- (a) may seize in any open place or in transit any liquor or intoxicating drug or any other thing which he has reason to believe to be liable to confiscation under these rules or any other rules for the time being in force relating to abkari revenue ;
- (b) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and if such person has any such liquor, drug or other thing in his possession, arrest him : Provided that any Police Constable acting under this rule shall at once take the person arrested or property seized to the nearest Magistrate or Chief Constable.

#### 15. All searches under rules 13 and 14 shall be made in accordance with Searches how made.

the provisions of the Code of Criminal Procedure.

#### 16. The Agent to the Governor, Kathiawar, or any officer duly empowered by him in this behalf or a Magistrate may issue a warrant—

Issue of warrants.

- (a) for the arrest of any person whom he has reason to believe to have committed an offence against these rules or any others for the time being in force ; or

- (b) for the search whether by day or by night of any building, vessel or place in which he has reason to believe that any liquor, or intoxicating drug is manufactured or sold, or that any liquor, intoxicating drug or other thing liable to confiscation under these rules or any others for the time being in force, is kept or concealed.

All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure by a Police Officer or if the officer issuing warrant deems fit, by any other person.

17. It shall be lawful for the Agent to the Governor, Kathiawar, or Political Agent in charge of a Prant by Closing the shop for the sake of public peace. notice in writing to the licensee to require that any shop in which liquor or intoxicating drug is sold by retail shall be closed at such times as he may deem it necessary for the sake of public peace and order that such shops should remain closed.

In the event of the occurrence of a riot or unlawful assembly in the vicinity of any such shop, it shall be lawful for any Magistrate or Police Officer not under the rank of Chief Constable who is present, to require such shop to be kept closed for such period as he deems fit.

18. Whoever in contravention of these rules or of any rule or order made under these rules, or of any license, permit or pass obtained under these rules :—  
Penalty for illegal import, etc.

- (a) imports or exports liquor or any intoxicating drug into or out of any part of the above said districts ; or
- (b) transports or removes liquor or any intoxicating drug from one place to another ; or
- (c) manufactures liquor or any intoxicating drug ; or
- (d) constructs or works any distillery or brewery, or
- (e) uses, keeps or has in his possession any material, still, utensil, implement or apparatus whatever for the purpose of manufacturing liquor or any intoxicating drug, or
- (f) sells liquor or any intoxicating drug, shall be punished for each such offence :—
  - (a) with fine which may extend to one thousand rupees, or
  - (b) with imprisonment for a term which may extend to six months, or with both.

19. Whoever, being the holder of a license, permit or pass granted under these rules :—  
For misconduct by licensee, etc.



- (a) fails to produce such license, permit or pass on the demand of any officer duly empowered to make such demand or of any officer—specially empowered by the Agent to the Governor, Kathiawar, on this behalf, or
- (b) wilfully does, or omits to do, anything in contravention of any rules or orders made under these rules, or
- (c) commits any act in breach of any of the conditions of his license not otherwise provided for in these rules, or
- (d) wilfully contravenes any rule prescribed by the Agent to the Governor, Kathiawar, for the management of a public distillery established under rule 5, or
- (e) commits any act in breach of the conditions on which he is permitted to manufacture liquor in any such public distillery, or
- (f) permits drunkenness, riot or gaming in any shop or place in which such liquor or drug is sold or manufactured, or
- (g) permits persons of notoriously bad character to meet or remain in any such shop or place.

Shall be punished for each such offence with fine which may extend to one hundred rupees.

20. Whoever, being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under

For misconduct by licensed vendor or manufacturer.

these rules, mixes or permits to be mixed with the liquor sold or manufactured by him, any noxious drug or any foreign ingredients likely to add to its actual or apparent intoxicating quality or strength or otherwise objectionable in the manufacture of liquor or of any intoxicating drug, when such admixture shall not amount to the offence of adulteration under section 272 of Indian Penal Code shall be punished for such offences<sup>1</sup> to fine which may extend to Rs. 500, or with imprisonment for a term which may extend to three months, or with both.

21. Whoever, except under the authority of some license, permit, pass

For illegal possession of liquor, etc.

or special order obtained under these rules, has in his possession within any local area or place to which the provision of section 7 has been applied, any larger quantity of country liquor or of any intoxicating drug than may legally be sold by retail under the provision of the said section, shall be punished with fine which may extend to two hundred rupees.

1. *Sic.* Read "with."

22. In prosecutions under section 18 or 20 it shall be presumed, until the contrary is proved that the accused person has committed an offence under those sections in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus, whatsoever for the manufacture of liquor or intoxicating drugs, or any such materials as are ordinarily used in the manufacture of liquor or of any intoxicating drugs, for the possession of which he is unable to account satisfactorily.

And the holder of a license, permit or pass under these rules shall be responsible, as well as the actual offender, for any offence committed by any person in his employ or acting on his behalf under section 18 or 19 as if he had himself committed the same unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

22 A. All liquor or intoxicating drugs imported, exported, transported, removed, manufactured, sold or had in possession in contravention of these rules or of any rule or order made thereunder or of any license, permit or pass obtained thereunder, and,

all liquor, if any, and all intoxicating drugs, if any, lawfully imported exported, transported, removed, manufactured, sold or had in possession along with or in addition to any such liquor or intoxicating drug, and

all stills, utensils, implements or apparatus whatsoever for the manufacture of liquor or of any intoxicating drug used, kept or had in possession in contravention of these rules or of any rule or order made under these rules or of any license obtained under these rules, and

all materials collected or had in possession for the purpose of unlawfully manufacturing liquor or any intoxicating drug, and

the vessels, packages and coverings in which any such liquor, intoxicating drugs, still, utensil, implement, apparatus or material is found and the other contents, if any, of the vessel or package in which the same is found and the animals, carts, vessels or other conveyances used in carrying the same shall be liable to confiscation.

23. All confiscations under these rules shall be adjudged by the Political Agent in charge of a Prant subject to appeal to the Agent to the Governor, Kathiawar, provided that no order of confiscation shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing any person who claims a right thereto, and the evidence, if any, which he produces in support of his claim.

Whenever confiscation is ordered under this<sup>1</sup>, the owner of the thing ordered to be confiscated may at the discretion of the Political Agent in charge of a Prant be given an option of redeeming it on payment of such fine as the Political Agent in charge of a Prant thinks fit.

24. The Agent to the Governor, Kathiawar, may from time to time make rules for regulating the payment of rewards to officers and informers out of the proceeds of fines and confiscations under these rules.

25. All orders passed by any officer other than the Agent to the Governor, Kathiawar, under these rules shall be appealable to the Agent to the Governor, Kathiawar, at any time within sixty days from the date of order complained of, provided that no appeal shall lie against an order passed by the Agent to the Governor, Kathiawar, on appeal.

26. Offences against these rules shall not be cognizable by any Magistrate exercising less powers than those of a Second Class Magistrate.

[ *Bombay Government Gazette*, 1905, Pt. I, p. 970. ]

No. 6359, dated the 17th September 1906.—Printed *supra* page 97.

Rules for refund of value, or exchange of Court-fee stamps or labels.

No. 7280, dated the 25th October 1906.—Printed *supra* page 97.

Form of sale proclamation to be used by Agency Civil Courts.

No. 8789, dated the 9th December 1907.—In exercise of the power delegated by the notification of the Government of India in the Foreign Department,<sup>2</sup> No. 2859-I.A., dated 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous rules on the subject, to prescribe, with effect from 1st January 1908,

Kathiawar Agency Whipping Rules, 1907.

<sup>1</sup> *Sic.* Read "this rule."

<sup>2</sup> Printed in Appendix III.

the following revised rules for regulating the infliction of punishment of whipping in certain cases tried by the Agency Courts in Káthiáwár :

I. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Indian Penal Code :—

1. Giving or fabricating false evidence in such manner as to be punishable under section 193 of the Indian Penal Code.
2. Giving or fabricating false evidence with intent to procure conviction of a capital offence as defined in section 194 of the said Code.
3. Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment as defined in section 195 of the said Code.
4. Falsely charging any person with having committed an unnatural offence as defined in sections 211 and 377 of the said Code.
5. Voluntarily causing grievous hurt with dangerous weapons as defined in section 326 of the said Code.
6. Assaulting or using criminal force to any woman with intent to outrage her modesty as defined in section 354 of the said Code.
7. Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc., an offence as defined in section 366 of the said Code.
8. Rape as defined in section 375 of the said Code.
9. Unnatural offences as defined in section 377 of the said Code.
10. Theft as defined in section 378 of the said Code.
11. Theft in a building, tent, or vessel, as defined in section 380 of the said Code.
12. Theft by a clerk or servant as defined in section 381 of the said Code.
13. Theft after preparation for causing death or hurt as defined in section 382 of the said Code.
14. Extortion by threat as defined in section 383 of the said Code.
15. Putting a person in fear of accusation in order to commit extortion as defined in section 389 of the said Code.
16. Robbery or dacoity as defined in sections 390 and 391 of the said Code.
17. Attempting to commit robbery as defined in section 393 of the said Code.

18. Voluntarily causing hurt in committing robbery as defined in section 394 of the said Code.
19. Dishonestly receiving stolen property as defined in section 411 of the said Code.
20. Dishonestly receiving stolen property in the commission of a dacoity as defined in section 412 of the said Code.
21. Habitually receiving or dealing in stolen property as defined in section 413 of the said Code.
22. Lurking, house-trespass or house-breaking as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this regulation.
23. Lurking, house-trespass by night or house-breaking by night as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this regulation.
24. Forgery as defined in section 463 of the said Code.
25. Forgery of a document as defined in section 466 of the said Code.
26. Forgery of a document as defined in section 467 of the said Code.
27. Forgery for the purpose of cheating as defined in section 488 of the said Code.
28. Forgery for the purpose of harming the reputation of any person as defined in section 469 of the said Code.

II. Whoever, having been previously convicted of any one of the offences specified in this regulation, shall again be convicted of the same offence may be punished with whipping in lieu of, or in addition to, any other punishment to which he may for such offence be liable under the Indian Penal Code.

III. Any juvenile offender, who abets, commits, or attempts to commit—

- (a) Any offence which is punishable under the Indian Penal Code otherwise than with death, or
- (b) Any offence which is punishable under any other law with imprisonment

may be punished with whipping in lieu of any other punishment to which he may for such offence, abetment or attempt be liable :

Provided that the Governor in Council may, by notification in the *Bombay Government Gazette*, direct that the punishment of whipping shall not be inflicted in respect of such offences falling under clause (b) as he may think fit to specify in this behalf.

*Explanation.*—In this rule the expression “juvenile offender” means an offender whom the Court, after making such enquiry (if any) as may be deemed necessary, shall find to be under 16 years of age, the finding of the Court in all cases being final and conclusive.

IV. Nothing in this regulation shall be deemed to affect or alter the criminal law applicable to the classes of persons specified in section VIII (a) and (b) of Act XXI of 1879.

[*Bombay Government Gazette*, 1907, Pt. I, p. 1987.]

Kathiawar Agency  
Extradition Rules,  
1909.

*No. 31, dated the 26th June 1909.*—The following revised rules for the extradition of accused persons between Native States and Thana Circles, Civil Stations and Railways, as sanctioned by Government, are hereby republished for information and guidance \* \* .

I. The procedure authorised by the law for the time being in force in British India for regulating extradition will as far as possible be applied in dealing with applications preferred by the States of Káthiáwár for the surrender of alleged criminals from others.

II. The provisions of the Convention<sup>1</sup> for the surrender of persons accused of certain heinous offences entered into by the States of Káthiáwár and sanctioned by Government Resolution No. 7165, dated the 29th October 1889, are to be followed in all cases to which they apply.

III. For the purposes of these Rules, offences are divided into two classes :—

(i) Those enumerated in the above Convention.

(ii) All other offences under the Indian Penal Code.<sup>2</sup>

IV. Persons accused of any of the offences under Class (i) are to be surrendered to any State in which they are alleged to have committed the offence upon the Chief Karbhari of that State certifying that a *prima facie* case has been established against such person before a Judicial officer that State not lower in rank than a Nyayadhish, in which the Chief Karbhari concurs.

No papers of the *prima facie* case need be sent with the Chief Karbhari's certificate.

<sup>1</sup> Treaties, 4th Ed., Vol. VI, p. 135.

<sup>2</sup> Offences against the Railways, Post Office and Telegraph Acts are dealt with as the offences which they also constitute under the Indian Penal Code. Agency Circular No. 22, dated the 22nd December 1909. *Káthiáwár Agency Gazette*, 1909, p. 301.

V. An accused person who shall have been arrested under Rule II of the above Convention may be taken away by the Police of the State making the arrest, provided he is foreign to the State in which he was arrested. Should he be a subject of that State, he shall be left in the custody of the Police of that State pending the receipt of the certificate from the Chief Karbhari referred to in the previous rules. In the case of the accused being a subject of His Majesty or an European subject of a foreign Power or an American, the State in whose custody he remains shall report the matter at once to the Assistant Political Agent.

VI. Persons arrested as above shall not be detained longer than one month except at the request of the demanding State and under no circumstances for a longer period than two months.

VII. The provisions of the above Convention are to be followed in extradition to and from Agency Thanas, the Civil Stations and the Railways in Káthiáwár, the certificates of the Agency Thandars being sufficient in the case of Thanas and that of Deputy Assistant Political Agents concerned in the case of the Civil Stations and Railways.

VIII. The offences for which extradition may be demanded by States in Káthiáwár from each other are not confined to those enumerated in the Schedule to Act XV of 1903, but an Assistant Political Agent may exercise his discretion in refusing to support a demand either on account of the trivial character of the offence or on the ground that the demand has been prompted by political motives. An appeal against such refusal must be made within 14 days of the date of the order to the Political Agent whose decision shall be final.

IX. A Native State of Káthiáwár requiring the extradition of a person accused of an offence under class (ii) from another State in Káthiáwár must make a written application to the Assistant Political Agent of the Pránt in which the demanding State is situated. It should be supported by the papers of the *primá facie* case, provided the State has been invested or possesses the requisite jurisdiction. That officer may, if he thinks proper, refer the case to the Deputy Assistant Political Agent for recording before him the evidence adduced in support of the *primá facie* case. The Deputy Assistant will submit it with his opinion to the Assistant Political Agent.

X. (a) If the Political Agent to whom the record of the *primá facie* case has been forwarded is satisfied that the *primá facie* case has been established, that the demand is not prompted by political motives, that the State has jurisdiction to try the offender, and if the accused is not an European British

subject or an European subject of a foreign Power or an American, he shall call upon the State in which the accused happens to be to surrender him to the demanding State. The order should distinctly show—

- (1) that the *prima facie* case is established to his satisfaction ;
- (2) the nature of the offence ;
- (3) the place of the offence ;
- (4) the name of the accused person whose surrender is demanded ;
- (5) the State or authority to whom the surrender is to be made ;
- (6) the place at which the surrender should be made.

The accused must be surrendered accordingly without protest whether he be a subject of the surrendering State or not. The papers of the *prima facie* case need not be shown with the order.

(b) If he is an European British subject or an European subject of a foreign Power or an American, the surrender should be made to the Agency and the trial will take place in a competent Agency Court.

XI. Should the accused be residing in a different Prant to that of the demanding State, the Assistant Political Agent will obtain his surrender through the Assistant Political Agent of the Prant of the surrendering State, who will accept the certificate of the former without protest.

XII. The administration of a Native State of Káthiáwár desiring extradition of a person accused of an offence under class (ii) from Agency Thanas, a Civil Station or from Railway limits must make a written application to the Assistant Political Agent in whose charge the State is situated supported by the necessary papers to establish a *prima facie* case. When the Assistant Political Agent has satisfied himself (either by personal enquiry or on the report of some other Agency officer) that—

- (1) *prima facie* case has been established,
- (2) the States desiring extradition has jurisdiction to try the case,
- (3) the accused is not an European British subject, or the European subject of a foreign Power, or an American,
- (4) there are no sufficient political reasons to the contrary,

he shall make an order for the surrender of the accused person if he is within his jurisdiction, or obtain his surrender under Rule XI.

If the Assistant Political Agent is satisfied that a *prima facie* case exists but that the accused ought not to be surrendered, he shall record his reasons and either try the case himself or send the papers to the proper Agency Court having jurisdiction, as may be necessary.



XIII. In the case of demands for surrender from Native States of persons accused of offences under class (ii) committed in Agency Thanas, Civil Stations and Railway limits, the *prima facie* cases should be made out before the Thandars, or Deputy Assistant Political Agent, as the case may be, and submitted to the Prant Officer, who will dispose of the application under Rule X or XI as the case may be.

In preparing *prima facie* cases a Thandar is not limited to cases within his criminal powers. The surrender, however, should be made to a Magistrate having jurisdiction.

XIV. Any delay in complying with the order or certificate of the Assistant Political Agent should be reported to the Political Agent after the expiration of a month from the date of order or certificate.

XV. It is necessary that delay in submitting applications for extradition should be avoided, and where such delays are not satisfactorily explained, the Agency will be justified in refusing its assistance to procure surrender.

XVI. No *prima facie* cases are needed in extradition between Agency Thanas, Civil Stations and Railway limits. The procedure in such cases is that laid down in the Criminal Procedure Code.

XVII. Notwithstanding the foregoing rules, an Assistant Political Agent may, for reasons to be recorded in writing, direct that the accused, whether he be a Native British subject, or a subject of a Native State, be tried in an Agency Court instead of being tried by the State demanding extradition.

XVIII. An appeal against any order under Rules X, XI, XII, XIII, XV, and XVII must be made within 14 days to the Political Agent, whose decision shall be final.

XIX. In all cases made over through the Agency for trial by the Courts of a Native State the Assistant Political Agent should satisfy himself that the accused receives a fair trial, that the punishment inflicted upon him is not excessive, and he should observe the treatment of the accused. If not so satisfied he shall require and enforce, if necessary, the restoration of the prisoner to his custody pending the orders of the Political Agent, which shall be final. The Political Agent may also take similar action in cases which may be brought to his notice. The Native State, to whom the surrender is made, should report the result of trial as soon as the case is disposed of.

XX. A return of all persons made over for trial to Native States shall be submitted by the Prant Officers to the Political Agents every half-year, and

by him transmitted to Government. The return shall be in the form Appendix A to these Rules.

XXI. Nothing in these Rules shall affect the procedure for extradition from British India, which is regulated by the Extradition Law and the Rules thereunder.

XXII. Demands for the extradition of Baroda subjects will conform to the Rules specially laid down in Government Resolution No. 5807, dated 18th September 1894, and Government Resolution No. 7490 of 30th November 1894, and applications for the surrender of offenders from other Agencies will be disposed of by the Political Agent in accordance with any rules for the time being in force in regard to such surrenders.

XXIII. Any two or more States desiring to dispense with the intervention of the Agency in the extradition of persons being their own subjects accused of offences under class (ii) should intimate their desire to the Assistant Political Agent with a copy of the agreement embodying the rule under which they are prepared to surrender. On being sanctioned by Government, such rules shall be followed by those States as far as they can be applied, and the Agency will not intervene in cases of extradition between such States.

XXIV. A return of surrenders made under Rules IV and XXIII should be furnished every half-year in the prescribed form (Appendix B) by the demanding States.

XXV. The conveyance and maintenance charges of accused persons should be borne by the authorities making the surrender.

## APPENDIX A.

*Half-yearly Return of persons made over by the Political Agent at  
for the period ending* *for trial by the Courts of Native States*

1	2	3	4	5	6	7	8	9	10
Number.	Name of person.	Nationality.	Offence with which charged and date of same.	Where arrested.	Date of order for surrender.	Date of surrender.	Native State to which surrendered for trial.	Nature of sentence passed with date of sentence.	REMARKS.

## APPENDIX B.

*Half-yearly Return of persons made over by the* *State for trial by the Courts of other Native States without*  
*the intervention of the Agency for the period ending*

1	2	3	4	5	6	7	8	9	10
Number.	Name of person.	Nationality.	Offence with which charged and date of same.	Where arrested.	Date of demand.	Date of surrender.	Native State to which surrendered for trial.	Nature of sentence passed with date of sentence.	REMARKS.

*No. 33, dated the 2nd July 1909.*—\* \* The following revised Rules for the Agency Village Police, as sanctioned by Government, are hereby republished for the information and guidance of all concerned :—

1. The Village Police Patels and the Village Police (Pasaitas and Pagis) shall be appointed and transferred by the Talukdars or Girasias who have hitherto exercised that right subject to the approval of the Superintendent of the Agency Police, or for special recorded reasons, by the Superintendent of the Agency Police himself.

2. They may be fined (to an extent not exceeding  $\frac{1}{4}$  of their annual emoluments), suspended or dismissed for misconduct or neglect of duty or for breach of any of the following rules by the Talukdars who appointed them, subject to the approval of the Superintendent, Agency Police, or, for special recorded reasons, by the Superintendent, Agency Police, himself, subject to appeal to the Agent to the Governor.

3. Nothing in the last preceding rule shall affect the liability of a Police Patel or of a member of the Village Police Establishment to a criminal prosecution for any offence with which he may be charged.

4. (1) Their number and remuneration in land or cash shall be fixed by the Prant Officer who shall, if necessary, order their pay to be recovered in advance along with the "Thana falo." An appeal against the decision of the Prant Officer fixing the number and remuneration shall lie to the Agent to the Governor.

(2) In the event of any Girasia or Talukdar being held by the Prant Officer, after full enquiry, to be guilty of endeavouring to conceal crime or to induce the Village Police to do so, or of in any way obstructing the course of justice, the offending Talukdar or Girasia may, subject to the confirmation of the order by the Agent to the Governor, be permanently deprived of his rights of nomination of any Village Police in his jurisdiction.

5. The power of granting leave to the Village Police shall be exercised by the Superintendent, Agency Police.

6. The Police Patel shall have authority to require all members of the Village Police Establishment to aid him in performing the duties entrusted to him. He shall dispose of such establishments so as to afford the utmost possible security against offences, breach of the peace, and acts injurious to the public and the village community. He shall report all instances of misconduct or of neglect committed by any member of such establishment to the Superintendent, Agency Police.

7. He shall afford all police officers every assistance in his power when called on by them for assistance in the performance of their duty.

8. He shall promptly obey and execute all orders and warrants issued to him by a Magistrate or police officer; shall collect and communicate to the Agency Police intelligence affecting the public peace; shall prevent within the limits of his village the commission of offences, and shall detect and bring offenders therein to justice.

9. If a serious crime is committed in his village he shall send word at once to the nearest Agency Police Station; and in the meantime arrest the offender if possible, and collect and preserve all the evidence obtainable to be subsequently handed over within 24 hours to the Agency Police.

10. (1) If any unnatural or sudden death occur, or if any corpse be found within the bounds of any village, the Police Patel shall forthwith assemble a *panch* to be composed of two or more intelligent persons belonging to the village or neighbourhood who shall investigate the cause of death and all the circumstances of the case and make a written report of the same which the Police Patel shall cause to be forthwith delivered to the Police Officer in charge of the nearest Agency Police Station.

(2) Any person, who on being called upon to serve as a *panch*, shall without justifiable cause refuse or neglect to do so, shall be liable on conviction, before a Magistrate to punishment not exceeding 50 rupees fine or in default of payment to imprisonment for one month.

(3) If the results of the inquest afford reason for supposing that death has been unlawfully occasioned, the Police Patel shall give immediate notice to the Officer in charge of the nearest Agency Police Station, and, if the corpse can be forwarded without the risk of putrefaction by the way, shall at once forward it to the nearest Medical Officer authorised to examine corpses under such circumstances who shall endeavour to ascertain the cause of death.

(4) Should the Police Patel be unable to forward the corpse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent the burning or burying of such corpse until the Police Officer in charge of the nearest Agency Police Station or one of his subordinates deputed by him or a Magistrate shall have assented thereto.

11. If any suspicious person is found within the village limits, the Police Patel shall question him; and if he does not give a proper account of himself

shall arrest him and send him to the Police Thana together with any article likely to be useful as evidence.

12. He shall take charge of all unclaimed property within his village and shall report upon it for the orders of the Thanadar.

13. He shall see that no one in the village not otherwise privileged carries or possesses arms without a "parwana." He shall see that the arms kept for the defence of the village are in good order and not taken away for other purposes.

14. He shall keep an eye on suspicious and bad characters and hold a "hazri" of them regularly every evening. If news comes of any crime in the neighbourhood, he shall immediately hold a "hazri" of them and note who are absent and ascertain where they are.

15. He shall keep the following registers and files as sanctioned by the Agency :—

*(1) Registers.*

- (1) Crime register.
- (2) Register of strangers visiting the village.
- (3) Register of convicted persons.
- (4) Muster roll of suspicious characters under surveillance.
- (5) "Parwana" register (for arms).
- (6) List of arms kept by the persons exempted from the operation of Arms Rules.
- (7) Process book.
- (8) Register of monies sent to Thanadars.
- (9) Opium account book (only for those Police Patels who are opium vendors also).
- (10) Inward register.
- (11) Outward register.
- (12) Hand delivery book.
- (13) Village Police patrol book.
- (14) Village Police muster roll.
- (15) Birth and Death register.
- (16) Register of impressed carts.

- (17) Register of "Ubhads," *i.e.*, day-labourers residing in the village.
- (18) Visit book.
- (19) Register of cattle brought to the pound.
- (20) Receipts of cattle-fines issued by the Police Patel.

(2) FILES.

- (1) File of vaccination returns prepared by vaccinators and given to Police Patels for records.
- (2) Periodical returns file.
- (3) Receipts of monies sent to Thanadar.
- (4) Circular file.
- (5) Miscellaneous file.

16. The register of strangers visiting the village shall contain their names, description, and a short history of them, and the Police Patel shall watch their movements and report the same to the Thanadars and to the Agency Police.

17. All the above books and registers shall be open to the inspection of the Thanadars, as well as to Police Officers not below the rank of Head Constable. The result of such inspection shall be invariably communicated without delay to the Superintendent, Agency Police.

18. The Police Patel shall maintain and supervise the village cattle pound in accordance with the provisions of the Cattle Trespass Act.

19. He shall arrange for all requisite assistance to tracking parties (Agency Circular No. 4 of 1865).

20. He shall comply with Agency orders as regards escort of Mianas.

21. In making an enquiry coming within the scope of his duty, the Police Patel shall have authority to search for concealed property within the limits of his own or of any other Agency village to which these rules apply, provided that he give immediate information to the Police Patel of such other village.

22. The terms of convention entered into by all the chiefs for co-operation in the suppression of dacoities and other serious crimes shall be carefully explained to every Police Patel by the Chief Constables.

23. All orders relating to matters specified in the attached schedule and issued by duly constituted revenue or political authority shall be promptly carried out by the Police Patel and Village Police Establishment, and any inattention thereto shall be severely dealt with.

24. Every Police Patel, when and as long as he shall be empowered by the Prant Officer in this behalf, shall have authority to punish by a fine not

exceeding one rupee any person committing any of the nuisances, or disorderly acts below described, and to forbid the continuance or repetition of such nuisances or acts, *i.e.*—

- (1) Any person who bathes or washes in, or otherwise defiles or causes to be defiled any public well, tank, or reservoir so as to render it less fit for any purpose for which it is set apart.
- (2) Any person who deposits in forbidden places any dirt, filth or rubbish.
- (3) Any person who, on any public street, passage, or thoroughfare commits nuisance by easing himself, or who is, from intoxication, riotous, disorderly or incapable of taking care of himself.
- (4) Any person who, without any sufficient cause, wilfully allows to accumulate any offensive matter in cesspools, dung heaps or the like, so as to cause annoyance to the neighbouring residents or to passengers.
- (5) Any person who without any sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy or the like ;
- (6) Any person who deposits the bodies of dead animals, or refuse, or filth of any description either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community.
- (7) Any person who wantonly or cruelly beats, ill uses or tortures any animal.

25. All proceedings under the last-mentioned section shall be oral and held in the presence of the parties, but the Police Patel shall record the names of the parties, the final order passed with date of the same, and shall forward such record forthwith to the first class Magistrate of the Prant concerned.

26. Any fine imposed by a Police Patel under these rules shall be recoverable by him by issue of a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender.

27. In case of the Police Patel being unable to attend to his duties owing to urgent absence from his village, sudden illness, or other cause, he shall place a competent person in charge, making an immediate report to the Chief Constable concerned and the person so placed in charge shall, until receipt of orders to the contrary, continue to act for the Police Patel in all his duties other than those specified in section 24.



## SCHEDULE.

The following are the ordinary miscellaneous duties, other than strictly Police duties, of the Police Patel assisted by the Village Police Establishment :—

1. The collection of Agency dues under orders of superior authority.
2. Attachment, custody, and management of agricultural produce or other property in default of payment of revenue, political or civil dues, under orders of superior authority.
3. Search for agricultural produce in respect of which a revenue offence is suspected.
4. Furnishing such statistics and returns as may be called for by superior authority.
5. Reporting deaths of Talukdars and their Bhagdars and securing their property, pending necessary action by superior authority.
6. Notifying important political events or disputes to superior authority.
7. Supervision of village sanitation and water supply.
8. Furnishing information regarding health and condition of village community including cattle and assisting in the control of epidemics.
9. Assisting vaccination operations.
10. Supervision of authorised petty repairs in the village and its limits.
11. Communication and enforcement of miscellaneous orders issued by superior authority.
12. Occasional transmission of urgent messages.
13. Guarding camp and Daftar of officers on tour.
14. Keeping "Veth" register and enforcing customary "Veth."
15. Reporting upon stability of sureties and other such miscellaneous matters.
16. Collection and record of vital statistics.
17. Supervision of Village "Gaucher."
18. Service of processes and notices.
19. Delivery of copies and collection of copying fees.

[*Kathiawar Agency Gazette*, 1909, p. 139.]

No. 4174, dated the 21st June 1911.—In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department, notification<sup>1</sup> No. 2859-I.A., dated the 9th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to publish

Kathiawar Agency  
Legal Practitioners  
(Admission to practice of Barristers and Pleaders) and Authorised Translators  
Rules, 1911.

for general information the following amended rules for the qualification of persons who may in the future ask for permission to practise as Barristers or Pleaders in the Courts of the Kathiawar Political Agency and for the qualification of all persons to practise as Authorised Translators :—

1. Nothing in this notification shall be deemed to debar any Chief from being represented by his duly accredited Vakil, or from submitting a memorial or representation prepared by any person in his regular service or any person from conducting his own suit or defence in any Agency Court, or from presenting a petition or memorial prepared by himself or by any person who is *bonâ fide* in his regular service, provided the name of such composer or writer is specified at the foot of it.

2. Persons of the undermentioned classes may, at the discretion of the Agent to the Governor, Kathiawar, and if they satisfy him as to their general character and fitness and subject to the conditions hereinafter prescribed, be admitted as Barristers or Pleaders to practise in the Agent to the Governor's Courts or any Court subordinate thereto, and to draft English petitions or appeals to any office or appeals to Government from the decision of any officer under the Agency and in token thereof will receive Sanads on payment of the fee specified below :—

	Rs.
1. * Barristers and Advocates of the High Court of Bombay	50
2. Attorneys at Law of the High Court of Bombay	} 30
3. Pleaders of the High Court of Bombay	
4. Persons holding the degree of Bachelor of Laws of the University of Bombay.	

3. Persons of the undermentioned classes will, if they satisfy the Agent to the Governor, Kathiawar, as to their general character and fitness and subject to the conditions hereinafter prescribed, be admitted as " Authorised Translators " and in token thereof will receive Sanads on payment of a fee of Rs. 10 :—

1. Graduates of any University.

2. Persons who have obtained a certificate of qualification at an examination to be held periodically in this behalf under the orders of the Agent to the Governor, Kathiawar.

3. Persons who have already practised as Authorised Translators.

4. Sanads granted to Barristers or Pleaders and Authorised Translators will remain permanently in force subject to continued good behaviour, the

\* NOTE.—Barristers who have not qualified as Advocates of the High Court of Bombay will be called upon to pay an admission fee of Rs. 250 in addition to the above license fee.

discharge of duty with zeal and integrity under the rules and the payment of annual fees at the following rates :—

	Rs.
(a) Barristers-at-Law and Advocates of the High Court of Bombay . . . . .	50
(b) Pleaders whose Sanads authorise them to practise in all the Agency Courts . . . . .	30
(c) Pleaders whose Sanads authorise them to practise only in one or more of the Prant Courts . . . . .	20
(d) Authorised Translators . . . . .	10

provided also that any Barrister, Advocate, Attorney, or Pleader of the High Court of Bombay may, at the discretion of the Court having jurisdiction, be granted permission to appear as a Pleader or may draft a petition or appeal in any particular case on payment of a fee of Rs. 5 notwithstanding the fact of his not having obtained a Sanad under Rule 2.

5. No person who has not obtained a Sanad under rule 2 or special permission under rule 4 shall be permitted to practise in any Agency Court ; and no English petitions or appeals prepared by persons \* other than the aforesaid will be accepted by any Agency Officer in any suit or proceeding or other business of a similar nature.

6. No translation of a vernacular document tendered or required will be accepted by an Agency Officer in any suit or proceeding unless it has been made and certified by an Authorised Translator. The rate of the fee fixed for the remuneration of Authorised Translators is one rupee per folio of 144 words ; and this fee includes the charge for transcription and authentication.

7. Permission to practise in the Agency Courts will extend to all cases of a Judicial nature, whether classed as Criminal, Civil or Political, unless the Court shall, for reasons to be recorded in writing, declare with regard to any particular case of a Political character that permission cannot be granted. And this permission will not extend to the discussion of confidential matters affecting the domestic concerns of the Chiefs or their relations with the Paramount Power.

8. The *Kathiawar Agency Gazette* will be supplied to all Barristers, Advocates and Pleaders practising in the Agency Courts.

9. Nothing in these rules shall be deemed to affect the provisions of Order I, rule 12, and Order III, rules 1 and 2, of the Code of Civil Procedure

\* NOTE.—Persons who were recognised as Authorised Translators before the date of Agency Notification No. 21 of 12th June 1893 will be allowed to continue to write English petitions.

(Act V of 1908), and of sections 4 (1) (r) and 340 of the Code of Criminal Procedure (Act V of 1898) and of any other similar enactments in force in the Agency Courts.

10. All Sanads to plead held at the date of the publication of these rules are confirmed and shall be continued subject to the provisions of rules 4 and 7.

11. All notifications empowering certain Barristers-at-Law to plead in the Agency Courts are to be deemed to be still in force, subject to the payment of an annual fee of 50 rupees and subject to the provisions of rule 7.

[*Bombay Government Gazette*, 1911, Pt. I, p. 1001.]

Equitable Mortgage  
Rule, 1911.

No. 4942, dated the 19th July 1911.—In exercise of the powers and jurisdiction delegated by the Government of India under Foreign Department notification<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following rule to be observed by the Courts of the Political Agency in Kathiawar :—

(1) No Court of the Political Agency in Kathiawar shall enforce any transaction of the nature of an equitable mortgage which, if recorded in writing, would be compulsorily registerable under the Kathiawar Registration Rules or other rules for the time being in force for the registration of documents in the said Political Agency.

[*Bombay Government Gazette*, 1911, Pt. I, p. 1221.]

Kathiawar Agency  
Encumbered Estates  
Rules, 1911.

No. 8390, dated the 1st November 1911.—Whereas it is expedient to provide for the relief of certain indebted Talukdars and Girasias in the province of Kathiawar and at the same<sup>2</sup>, to secure the punctual payment of the

Preamble.

Government tribute and dues, and to maintain the existing status of such Talukdars and Girasias, the Governor in Council, in exercise of the powers and jurisdiction delegated by the Government of India by notification in the Foreign Department,<sup>1</sup> No. 2859-I.A., dated the 19th June 1903, and of all other powers enabling him in this behalf, is pleased to prescribe the following revised rules in supersession of all previous rules on the subject :—

1. These rules apply to any Talukdar at present exercising hereditary jurisdiction or whose name is entered in the tribute list, and to Girasias, who can prove their direct descent from the ancestor of any such Talukdar, and who are still in the possession of their own Giras. No such Talukdar or Girasia shall be liable to arrest under the warrant of any Civil Court.

<sup>1</sup> Printed in Appendix III.

<sup>2</sup> *Sic.* Read "same time."

2. Whenever it shall appear to the satisfaction of a Political Officer, not lower in rank than a Political Agent, upon inquiries made either of his own motion or upon an application from a Talukdar or Girasia, that any such Talukdar or Girasia is, either personally or in respect of his landed estates, subject to debts or liabilities of such an amount that there is no reasonable anticipation that they can or will be liquidated in any other way, he shall recommend that the estate of the said Talukdar or Girasia (hereinafter called the estateholder) be dealt with under these rules as an encumbered estate.

3. Such recommendation shall be made in the form of a report, containing the fullest ascertainable particulars, to the Agent to the Governor.

4. The Agent to the Governor on receiving such report, and after satisfying himself that it is a suitable case for the application of these rules, may, by an order published in the *Kathiawar Agency Gazette*, notify that the said estate is from the date of such notification an encumbered estate and is placed under management as provided by these rules.

5. No management under these rules shall extend beyond the period of twenty years from the date of the aforesaid notification. At the end of that time, all debts and liabilities (except Government debts) existing at the time of the said notification and comprised in the scheme of liquidation hereinafter defined shall be deemed to be fully discharged and satisfied, for all intents and purposes whatsoever.

6. (1) For every estate so placed under management a Manager shall be appointed, who shall manage the estate under the supervision and subject to the orders of the Political Agent, or the Superintendent, Managed Estates, as the case may be. There shall vest in such Manager for the purpose of administering the said estate all the powers that could be exercised on the date of the said notification by the estateholder and all and every right to movable and immovable property to which the said estateholder was, on the date of the notification, entitled, or which during the continuance of the management may be acquired by him or devolve on him.

(2) The owner of the estate is bound to furnish a list of all movable property in his possession and the Manager shall see that all ornaments and other property in the hands of the family except such as are required for personal use are duly produced before him for disposal :

Provided that for the purposes of clauses (1) and (2) of this rule the words "movable property" shall not be held to include household goods or wearing apparel required for the personal use of the said estateholder or any other member of his family.

(3) In the management of the estate the Manager may be assisted by auditors and other subordinates who shall be entrusted with such duties and powers as the Agent to the Governor may determine :

Provided that all such subordinates as may be entrusted with the collection or custody of money shall furnish adequate security.

(4) The owner of the estate or any member of his family shall, with the sanction of the Agent to the Governor, be eligible for employment under this rule.

(5) During the period of management the Political Agent or the Superintendent, Managed Estates, shall ordinarily exercise the same powers in respect to the estate as the owner exercised at the date of the said notification, and he shall administer the estate, subject to the control of the Agent to the Governor, and shall in all cases submit for his information and approval such estimates, accounts, and other returns as the Agent to the Governor may direct.

7. From the date of the said notification all proceedings pending in any Civil Court in respect of any debt or liability of the said estateholder shall be for ever stayed, and the operation of all processes, executions and attachments issuing from any Civil Court upon the said attached estate shall become *ipso facto* null and void ; and so long as the estate remains under management as an encumbered estate no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any such Court in respect of the said estateholder's debts and liabilities.

8. (1) From the date of the said notification the owner of such estate or any member of his family shall become and shall remain, so long as the management continues, incompetent, in respect of such estate—

- (a) to enter into any contract involving him in any pecuniary liability ;
- (b) to mortgage, charge, lease, or alienate the property under management or any part thereof ;
- (c) to grant valid receipts for the rents and profits arising or accruing therefrom.

And the estate shall not in any way be liable for any of his acts done during such management.

(2) The disability of the estateholders whose estates have been placed under management and the exemption of their estates from the operation of the Civil Courts as described in rule 7 shall extend to property of every description, whether movable or immovable, and shall continue until a notification issues removing such estates from management.

9. It shall be the duty of the Political Agent of the Prant in which the estate is situated to inquire into and adjudicate upon all claims against the estate :

Provided that the Agent to the Governor may in his discretion transfer any claim or claims to any other Political Agent or to an Assistant Political Agent (who shall thereupon be deemed to be a Political Agent for the purposes of such inquiry and adjudication) for disposal under these rules.

10. Within fifteen days from the date of the publication of the said notification, the Political Agent shall publish in the *Kathiawar Agency Gazette* a notice in Gujarati calling upon all persons having claims against the estateholder or the property under management to submit their claims in writing to him within three months from the date of such publication.

11. (1) Every claim so filed shall be in writing and shall be explicit. It shall give all particulars within the claimant's knowledge and shall wherever practicable be supported by documents upon which the claimant relies.

(2) The Political Agent shall ordinarily decline to accept documentary evidence which is not submitted with the statement of the claim hereinbefore mentioned.

12. If the document be an entry in any book, the claimant shall produce the book before the Political Agent together with a copy of the entry on which he relies. The Political Agent shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original and recording a certificate on the copy to that effect, shall return the book to the claimant, and the certified copy shall be kept with the statement of the claim.

13. Every claim (other than a claim for Government debt) not notified to the Political Agent within the time and in the manner prescribed in rule 10 shall be deemed to have been duly discharged and shall be barred for ever :

Provided that it shall be within the competence of the Political Agent to allow to any claimant a further period of three months within which he may satisfy the Political Agent that he had good and sufficient reasons for not filing his claim within the prescribed period. But no order granting an extension of time shall be passed except in writing and in the form of a proceeding showing in the Political Agent's own handwriting his reasons therefor. Similarly when an extension under this rule is refused the Political Agent shall record his reasons in writing.

14. (1) When a claim has been duly made and received, the Political Agent shall endorse such claim in his own handwriting and number it in its

order of priority. As soon as the period within which claims may be preferred has expired, the Political Agent shall without delay inquire, in their due order or otherwise as may best suit the public convenience, into all the claims which have been filed against the estateholder and the estate.

(2) If within twelve months from the expiry of the period prescribed for the submission of the claims the Political Agent has not heard and adjudicated on all claims preferred against the estate, he shall report the fact to the Agent to the Governor, with an explanation of the cause of delay and shall state the time likely to be occupied in disposing of the outstanding claims.

15. (1) The Political Agent may, with the previous sanction of the Agent to the Governor, appoint a Committee of Indian gentlemen of experience not exceeding three in number, of whom not more than one may be in the service of the Agency, to assist him in deciding the claims that are admissible and the extent to which they are admissible under these rules. The Political Agent may fix such remuneration for each of the members of the aforesaid Committee as may appear reasonable to him. Any expenditure incurred under this rule shall be deemed to be part of the expenses of management.

(2) The Political Agent may at his discretion entrust to the Deputy Assistant Political Agent of the Prant in which the estate is situated such part of an inquiry into a claim as concerns account matters only: provided that both parties shall be informed of the opinion of the Deputy Assistant Political Agent, and the Political Agent shall himself hear and dispose of any objections raised thereto by either party before final orders are passed on the claim.

16. In the case of claims against the estate which have been awarded by a decree of a competent Court before the estate was declared to be an encumbered estate, the Political Agent shall accept such decree as conclusive proof of the amount therein awarded:

Provided that,

- (i) If the Political Agent has reasonable grounds for believing that the amount decreed is more than twice the original debt or debts, he shall be empowered to go behind the decree and enquire into the history of the transaction with liberty to reduce the amount of the claim to such amount as will represent the original debt *plus* interest thereon to an amount equal to the original debt, *less* any sums paid on account in satisfaction either of principal or of interest;



- (i) if the Political Agent has reasonable ground for believing that the decree has been obtained by fraud, he shall be entitled to enquire into the history of the transaction as if no decree had been passed.

17. Subject to the foregoing rule, the Political Agent shall enquire into all claims on the following principles :—

- (a) He shall first ascertain wherever possible the amount of the principal sum originally due to each creditor. The history of each case shall be studied carefully and traced as accurately as possible with a view to obtaining such information.
- (b) When he has satisfied himself as to the actual or approximate amount of the principal, he shall allow upon it simple interest at the rate of 6 per cent. per annum from the date on which the original debt was incurred to the date of the notification referred to in rule 4; and an amount not exceeding the aggregate sum so arrived at shall be awarded under these rules, provided that in no case shall the interest awarded exceed the principal. Interest on all claims inquired into under this rule shall cease from the date of the said notification.
- (c) If a claim is brought against the estate in respect of a debt incurred by a deceased estateholder, the Political Agent shall disallow it unless—
  - (i) the original debt has been contracted with the written consent of the existing estateholder, or
  - (ii) the debt has been admitted in writing by the existing estateholder at any time after his succession to the estate and prior to the application of these rules, or
  - (iii) the Agent to the Governor has approved of the transaction by a written order recording his reasons therefor :

Provided that if during the enquiry it appears to the Political Agent that a claim or a part of a claim, which is inadmissible because it was incurred without the approval of the Agent to the Governor, as required above, is deserving of such approval, he shall report the matter to the Agent to the Governor, and the latter may after such departmental inquiry as he may deem fit, record his reasons in writing and order the claim or any part of it to be allowed as having been incurred in the indisputable interests of the estate or family.

- (d) Should it appear that the interest already received by any claimant has amounted to double the principal, the claim shall be dismissed.
- (e) Subject to the above general principles, the investigation and settlement of all points of detail shall rest with the Political Agent. The procedure to be followed should be, as nearly as conveniently may be, the procedure that is to be followed in the adjudication of civil claims. But the Political Agent will always have considerably more latitude than a Civil Court in dealing with evidence, as, for instance, in going behind bonds to ascertain what the totals really consist of or in inquiry as to the degree of intelligent consent exercised by the estateholder in respect of any transaction.
- (f) Subject to the provisions of rule 16, the Political Agent shall carefully investigate the real merits of every claim and satisfy himself that where a debt appears to be for value received, value was really received, and that where a debt appears to be for service rendered, the service was actually rendered and was equivalent to the money value sought to be recovered.
- (g) It shall be within the competence of the Political Agent to refuse interest where the accounts are not reasonably satisfactory. Where the first principal cannot be satisfactorily traced, a deduction of 50 per cent. should be made from the amount of the debt as it appears when first there is satisfactory proof of it.
- (h) In the absence of a special provision allowing interest, no interest shall be allowed.
- (i) All payments made by the estateholder to any creditor, or profits which have been enjoyed by such creditor, towards the liquidation of any debt or liability, shall be deducted from the principal sum of the said debt or liability, and interest on an amount equal to such deducted sum shall be disallowed from the time of such payment or enjoyment. The Political Agent shall be empowered to decide the amount to be so deducted or disallowed after examining such proofs as are presented to him.
- (j) In dealing with all claims against an estate, the Political Agent shall, subject to para. (e) above, be guided by the Limitation Law and Registration Rules for the time being in force in the Agency Courts.

18. As soon as the total amount of debts and liabilities has been fully ascertained, the Political Agent shall without delay prepare and submit to the Agent to the Governor a schedule of such debts and liabilities in the order in which it is proposed to pay them off. He shall also, together with the schedule, submit a scheme to be called the liquidation scheme showing the manner in which it is proposed to pay and discharge the said debts and liabilities out of the available revenues of the estate, after making provision for all expenses incidental to the management including the payment of Government dues, charges for establishment, repairs and improvements, and allowances for the maintenance and education of members of the estateholder's family and for necessary ceremonial observances.

19. Debts shall be liquidated in order of priority, after satisfying Government preferential claims and subject to the following provisions:—

- (a) wages due for services rendered by any labourer, artisan, domestic, or other servant, shall take precedence over all other debts ;
- (b) debts secured on the estate shall take precedence over all debts not so secured ;
- (c) decreed debts shall take precedence over bonded and account debts :
- (d) bonded debts shall take precedence over account debts ;

Provided also that if it appears that the estimated revenues of the estate will not suffice for the payment of all claims allowed under these rules with or without interest within the aforesaid period of twenty years, such reduction shall be made (1) in the rate of interest and (2) in the ascertained principal debt in every case (including awards in respect of decreed debts) as may be necessary for the proportional liquidation of all debts in their several orders within the said period. Nothing in the above rules shall apply to the recovery of Government debts.

20. The Agent to the Governor shall consider any representation which any person dissatisfied with the liquidation scheme of the Political Agent may submit to him within six weeks of the date of the submission of such scheme by the Political Agent ; and thereupon, or after such further inquiry as he may direct, he may sanction the liquidation scheme in the form which he finally approves. On sanctioning such scheme he shall, without delay, notify it with such sanction in the *Káthiáwár Agency Gazette*.

21. The effect of the publication of the notification referred to in rule 20 shall be to extinguish finally all debts (other than Government debts) due from the estate to any persons whatsoever :

Provided that any creditor whose name is entered in the liquidation scheme shall be entitled to receive the amount finally awarded to him therein in respect of such debt and nothing more :

Provided further that if the condition of the estate shall, at any subsequent period during the management, be found sufficiently prosperous to justify payments considerably larger than those awarded in the liquidation scheme nothing in these rules shall be deemed to debar the Agent to the Governor from making a supplementary award on the general principles hereinbefore approved.

22. The Political Agent shall be empowered to require any mortgagee in possession of any part of the estate to deliver up possession to the Manager at the close of the revenue year during which the estate came under these rules, and, on failure of the mortgagee so to surrender possession, the Political Agent may summarily order his eviction or that of any person obstructing or resisting on his behalf. Nothing in this rule shall be held to affect the rights of such mortgagee to receive under the liquidation scheme the amount (if any) awarded to him.

23. (1) An appeal from any order passed or any act done by a Political Agent in respect of an inquiry under these rules or from any order passed by a Political Agent or the Superintendent, Managed Estates, as the case may be, in respect of administration of an estate under these rules, shall lie within six weeks to the Agent to the Governor, and the order passed by the Agent to the Governor on such appeal shall be final.

(2) Such appeal may be referred by the Agent to the Governor to his Judicial Assistant either for the determination of a particular question or for final decision. And if the Judicial Assistant, after hearing the parties appearing before him, considers that the appeal has been filed without any sound foundation of law or fact, the Judicial Assistant may in his discretion award costs of such hearing against the appellant on the scale prescribed for civil appeals.

24. Every Manager appointed under these rules and every subordinate of such Manager shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. And every investigation conducted before a Political Agent in respect of any claim preferred under these rules or of any matter connected with such claim, shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code.

25. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to these rules.

26. For the purpose of any inquiry under these rules the Political Agent may summon and enforce the attendance of witnesses and may compel them to give evidence and compel the production of documents and accounts by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

27. Nothing in these rules shall exclude the jurisdiction of the Agency Courts in suits relating to the succession to, or to a co-parcenary interest in any immovable property which has fallen under the operation of these rules :

Provided that in all such suits the manager of the said estate shall be made a party to the suit and that no Court shall entertain any such suit without the sanction of the Agent to the Governor.

28. When the debts and liabilities mentioned in the liquidation scheme have been paid and discharged as therein provided, a report shall be made to the Agent to the Governor, who shall publish in the *Káthiáwár Agency Gazette* a notice fixing a date for the termination of the management.

29. On the date so fixed the management shall terminate and the owner shall be restored to the possession and enjoyment of the estate.

30. If an estateholder dies after these rules have been applied to his estate and before the management has terminated, all claims against the estate shall be extinguished except :—

(a) Government debts, or

(b) debts which may have received the approval of the Agent to the Governor as described in rule 17 (c) :

Provided that the Agent to the Governor may notwithstanding, after such inquiry as he may think fit, approve retrospectively and allow any claim in respect of a debt incurred in the indisputable interest of the family or estate, as stated in the proviso to rule 17 (c) above.

31. In conformity with the above rules :—

(a) the management shall continue in all respects as if such estateholder were still living ;

(b) any person succeeding to the whole or any portion of the said estate by reason of the death of such estateholder shall, while the management continues, be subject in respect of the property to which he has so succeeded to all the disabilities imposed by rule 8 ;

(c) no Civil Court of the Agency shall during the continuance of the management issue any attachment or other process against any portion of the property under such management for or in respect of any debt or liability incurred by any such successor whether before or after he succeeds to such property.

32. No estate shall after the termination of management under these rules be held liable for the fulfilment of any contract, agreement, or renewal bond, the original consideration for which was the payment of any sum or the incurring of any obligation during the period of management for or on behalf of the estateholder or any member of his family, unless such contract, agreement or renewal bond was made by the order, or with the written approval of the Agent to the Governor.

[ *Bombay Government Gazette*, 1911, Pt. I, p. 2064.]

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<sup>1</sup>*Agencies other than Palanpur, Mahi Kantha, Rewa Kantha and Kathiawar.*

*Application of provisions of General Acts.*

*No. 1415-I., dated the 30th April 1890.—Printed in Appendix XIV.*

Revenue Recovery Act, 1890.

*No. 443-I. A., dated the 4th February 1897.—Printed in Appendix XVI.*

Epidemic Diseases Act, 1897.

*No. 5702, dated the 25th August 1908.—Printed *supra*, page 60.*

Explosive Substances Act, 1908.

*Local Regulations.*

*No. 2651-I., dated the 25th June 1891.—Printed in Appendix XV.*

Publication of newspapers and other printed works.

*No. 639, dated the 25th January 1906.—Printed *supra*, page 82, footnote.*

Fees chargeable on certain appeals to Agency Courts.

*No. 6359, dated the 17th September 1906.—Printed *supra*, page 97.*

Rules for refund of value, or exchange of Court-fee stamps and labels.

*No. 7280, dated the 25th October 1906.—Printed *supra*, page 97.*

Form of sale proclamation to be used by Agency Civil Courts.

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<sup>1</sup> So far as is consistent with the residuary jurisdiction therein.





## ADMINISTERED AREAS IN STATES IN BOMBAY.

## THE CANTONMENT OF DEESA.

The following British enactments are in force in the Cantonment of Deesa :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

No. 853-I. B., dated the 16th April 1913.—Printed in Appendix IV. 28 Vict., c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III. 53 and 54 Vict., c. 37

IV.—Orders under Acts of the Governor-General in Council.

No. —, dated the 5th November 1874.—Printed in Appendix V.

No. — Ecclesiastical, dated the {  $\frac{9th\ April\ 1873.}{7th\ October\ 1874.}$  } —Not re-printed.

[ *Bombay Government Gazette*  $\frac{1873}{1874}$ , Pt. I, p.  $\frac{337}{820}$  ]

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

No. 4124, dated the 2nd December 1902.—Printed in Appendix VII.

No. 4227-I., dated the 31st October 1889.—Printed in Appendix VIII.

Indian Christian Marriage Act, 1872.

Political Agent, Palanpur, appointed Marriage Registrar and licensed to grant certificates of marriage between Native Christians. Fees and rules.

Indian Arms Act, 1878.

Exemption of certain persons from certain prohibitions and directions contained in the Act.

Rules regarding the export of arms and ammunition from, and their import into, British India.

Indian Income-tax Act, 1886.

The Political Agent, Palanpur, invested with certain powers of a Collector under the Act.

Births, Deaths and Marriages Registration Act, 1886.

Appointment of  
(a) Registrars of Births and Deaths,  
(b) Registrar General, Bombay, to be Registrar General.

Rules and fees.

*No. 1173, dated the 19th July 1888.*—Printed in Appendix VIII.

Indian Stamp Act, 1899.

Remission of duty in British India on instruments executed and properly stamped in the Cantonment of Deesa.

<sup>1</sup> *No. 3616-Exc., dated the 16th July 1909.*—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), \* the Governor-General in Council is pleased \* \* to remit the duties \* chargeable in respect of instruments of the classes hereinafter described :—

\* \* \* \* \*

Sl. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the Stamp Law for the time being in force in the said areas has been paid in accordance with the said Law.

#### SCHEDULE.

##### Areas.

*	*	*	*	*	*
<sup>2</sup> [ The Cantonment of Deesa.]					
*	*	*	*	*	*
[ <i>Gazette of India</i> , 1909, Pt. I, p. 597.]					

Indian Foreign Marriage Act, 1903.

Fees and rules.

Indian Universities Act, 1904.

Territorial limits of the Bombay University.

*No. 341, dated the 11th August 1904.*—Printed *supra*, page 4.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

Code of Civil Procedure, 1908.

Authority to sanction institution of suits and execution of decrees against Chiefs of States in Bombay.

Administrator General's Act, 1874.

Inclusion of Palanpur in Presidency of Bombay for purposes of the Act.

Exercise of the powers and duties of a District Judge under the Act.

*No. 1503-I., dated the 8th May 1896.*—Printed in Appendix XI.

*No. 855-I.B., dated the 16th April 1913.*—Printed in Appendix VI.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.

<sup>1</sup> For notifications securing similar remissions in Administered Areas under British jurisdiction cf. Vol. II, pages 111 and 176, and corresponding notifications in Vol. III.

<sup>2</sup> See notification No. 246 F., dated the 28th February 1913. *Gazette of India*, 1913, Pt. I, p. 169.

### V.—Acts locally applied.

*No. 5287, dated the 30th July 1906.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I. A., dated the 19th June 1903, and in supersession of the notification in the Foreign Department of the Government of India, No. 403-I., dated the 4th February 1885, and all other notifications or orders applying enactments to the Cantonment of Deesa, the Governor in Council is pleased to apply to the Cantonment of Deesa the enactments named in the Schedule hereto annexed in so far as the same may be applicable and subject to any amendments to which the said enactments are for the time being subject in British India.

Provided, *firstly*, that references to British India or to a High Court in the said enactments as so applied shall be read as referring to the said Cantonment and the Governor in Council respectively.

Provided, *secondly*, that the modifications and restrictions set forth in the third column of the said Schedule shall be made in the said enactments as so applied.

Provided, *thirdly*, that for the purpose of facilitating the application of the said enactments, any Court in the said Cantonment may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court : and

Provided, *fourthly*, that all civil and criminal proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorised, jurisdictions conferred or confirmed, rules made, orders passed, and things done, under any of the notifications hereby superseded shall, as far as may be, be deemed to have been respectively commenced, appointed or authorized, conferred or confirmed, made, passed and done under this notification.

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<sup>1</sup> Printed in Appendix III.

<sup>1</sup> SCHEDULE.

1	2	3	4
No.	Enactments applied.	Modifications and restrictions.	
<i>I.—Acts of the Governor-General of India in Council.</i>			
I	The Interest Act, 1839 (XXXII of 1839).	.....	
II	The Succession (Property Protection) Act, 1841 (XIX of 1841).	.....	
III	The Indian Slavery Act, 1843 (V of 1843).	.....	
IV	The Legal Practitioners Act, 1846 (I of 1846), sections 4, 5, 7 and 8.	In section 4, for "East India Company" read "Cantonment of Deesa", and for "Sadr Courts" read "Governor of Bombay in Council". In section 5, for "Sadr Courts of the East India Company" read "said Courts" and for "Sadr", in the second place where it occurs, read "said".	
V	The Public Accountants' Default Act, 1850 (XII of 1850).	In section 3, for "the East India Company", in both places where those words occur, read "Government".	
VI	The Judicial Officers' Protection Act, 1850 (XVIII of 1850).	.....	
VII	The Public Servants (Inquiries) Act, 1850 (XXXVII of 1850).	.....	
VIII	The Legal Practitioners Act, 1853 (XX of 1853).	In section 2, for "East India Company" read "Cantonment of Deesa". In section 3, for "Supreme" read "High"; for "Sadr Courts of the East India Company" read "Courts of the Cantonment of Deesa" and omit the word "Sadr" in the second place where it occurs. In section 4 omit the words "in any of the Courts of the East India Company"; for "Sadr Courts" read "Governor of Bombay in Council"; for "Supreme" read "High"; for "East India Company subordinate to the Sadr Courts" read "Cantonment of Deesa", and omit the word "subordinate" in the second place where it occurs.	

<sup>1</sup> This schedule was substituted by notification No. 1477, dated the 3rd March 1913. *Bombay Government Gazette*, 1913, Pt. I, p. 347.

1	2	3	4
No.	Enactments applied.	Modifications and restrictions.	
IX	The Usury Laws Repeal Act, 1855 (XXVIII of 1855), except section 5.	.. ..	
X	Hindu Widows' Remarriage Act, 1856 (XV of 1856).	.....	
XI	The State Offences Act, 1857 (XI of 1857).	.....	
XII	The Indian Penal Code, 1860 (XLV of 1860).	.....	
XIII	The Indian Succession Act, 1865 (X of 1865).	.....	
XIV	The Parsi Marriage and Divorce Act, 1865 (XV of 1865).	.....	
XV	The Parsi Intestate Succession Act, 1865 (XXI of 1865).	.....	
XVI	The Native Converts' Marriage Dissolution Act, 1866 (XXI of 1866).	.....	
XVII	The Indian Divorce Act, 1869 (IV of 1869).	.....	
XVIII	The Court-Fees Act, 1870 (VII of 1870), except Chapters I and II and sections 22 and 36.	In section 20, <i>omit</i> the words "confirmed by the Local Government and"; in section 22, <i>omit</i> the words "High Court and approved by the" and <i>for</i> "and the" <i>read</i> "and approved by the"; and in section 35, <i>omit</i> the words "in the whole or in any part of British India".	
XIX	The Cattle-trespass Act, 1871 (I of 1871).	<i>For</i> "Magistrate of the District", wherever these words occur, <i>read</i> "Cantonment Magistrate".	
XX	The Indian Evidence Act, 1872 (I of 1872).	.....	
XXI	The Special Marriage Act, 1872 (III of 1872).	.....	
XXII	The Indian Contract Act, 1872 (IX of 1872).	.....	
XXIII	The Indian Christian Marriage Act, 1872 (XV of 1872).	.....	
XXIV	The Indian Oaths Act, 1873 (X of 1873).	.....	
XXV	The Administrator General's Act, 1874 (II of 1874).	.....	
XXVI	The Married Women's Property Act, 1874 (III of 1874).	.....	
XXVII	The Foreign Recruiting Act, 1874 (IV of 1874).	.....	
XXVIII	The European Vagrancy Act, 1874 (IX of 1874).	.....	
XXIX	The Indian Majority Act, 1875 (IX of 1875).	.....	
XXX	The Probate and Administration Act, 1875 (XIII of 1875).	.....	

1	2	3	4
No.	Enactments applied.	Modifications and restrictions.	
XXXI	The Native Coinage Act, 1876 (IX of 1876).	.....	
XXXII	The Dramatic Performances Act, 1876 (XIX of 1876).	In section 2, <i>for</i> "Magistrate of District" <i>read</i> "Cantonment Magistrate".	
XXXIII	The Specific Relief Act, 1877 (I of 1877).	.....	
XXXIV	The Opium Act, 1878 (I of 1878).	.....	
XXXV	The Indian Arms Act, 1878 (XI of 1878).	<i>For</i> "Magistrate of the District," wherever these words occur, <i>read</i> "Cantonment Magistrate".	
XXXVI	The Probate and Administration Act, 1881 (V of 1881).	.....	
XXXVII	The District Delegates Act, 1881 (VI of 1881).	.....	
XXXVIII	The Negotiable Instruments Act, 1881 (XXVI of 1881).	.....	
XXXIX	The Transfer of Property Act, 1882 (IV of 1882).	.....	
XL	The Powers of Attorney Act, 1882 (VII of 1882), except section 4.	.....	
XLI	The Indian Telegraphs Act, 1885 (XIII of 1885).	...	
XLII	The Indian Income-tax Act, 1886 (II of 1886).	(1) In sections 22 and 43, <i>for</i> "India" <i>read</i> "the Cantonment of Deesa." (2) In section 30 (1), <i>for</i> "any part of the territories administered by the Local Government to which he is subordinate", and in section 38 (1), <i>for</i> "the territories subject to that Government" <i>read</i> "the Cantonment of Deesa". (3) In sections 27 and 34 (2), <i>for</i> "the Commissioner of the Division", in section 28 (in both places in which the word occurs), <i>for</i> "Commissioner" and in section 40 <i>for</i> "a Commissioner of Division" <i>read</i> "the Political Agent, Palampur". (4) In section 3, <i>for</i> sub-section (9) <i>read</i> "(9) 'Collector' means the Cantonment Magistrate of Deesa". (5) In section 23, third clause <i>insert</i> "or" after "receiver".	

1	2	3	4
No.	Enactments applied.	Modifications and restrictions.	
		<p>(6) <i>Omit</i> the following—</p> <p>(a) section 2 and the first schedule.</p> <p>(b) in section 3—</p> <p>“body of Port Commissioners” in sub-section (1); sub-section (5), from and including “and includes”; “a Presidency Magistrate or” in sub-section (6);</p> <p>(c) in section 18—</p> <p>clause (c) of sub-section (1);</p> <p>“or clause (c)” in sub-sections (2) and (3);</p> <p>“or served” in sub-section (3);</p> <p>(d) in section 22 “the Court of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees”;</p> <p>(e) in section 23—</p> <p>“Court of Wards, an Administrator General or an Official Trustee” in the second clause;</p> <p>“or court”, “or its”, and “Court of Wards, Administrator General or Official Trustee” in the third clause;</p> <p>(f) in section 32, clause (e) “district or districts”;</p> <p>(g) in section 43 “or a Court of Wards, Administrator General or Official Trustee”;</p> <p>(h) sections 47 and 48;</p> <p>(i) in the second schedule, Part I, article 2.</p>	
XLIII	The Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	.....	
XLIV	The Suits Valuation Act, 1887 (VII of 1887).	.....	
XLV	The Succession Certificate Act, 1889 (VII of 1889).	.....	
XLVI	The Revenue Recovery Act, 1890 (I of 1890).	.....	
XLVII	The Guardians and Wards Act 1890 (VIII of 1890).	.....	
XLVIII	The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).	.....	

1	2	3	4
No.	Enactments applied.	Modifications and restrictions.	
XLIX	The Prisons Act, 1894 (IX of 1894).	.....	
L	The Epidemic Diseases Act, 1897 (III of 1897).	.....	
LI	The General Clauses Act, 1897 (X of 1897).	.....	
LII	The Code of Criminal Procedure, 1868 (V of 1898).	.....	
LIII	The Indian Post Office Act, 1898 (VI of 1898).	.....	
LIV	The Indian Stamp Act, 1899 (II of 1899).	.....	
LV	The Prisoners Act, 1900 (LII of 1900).	.....	
LVI	The Native Christian Administration of Estates Act, 1901 (VII of 1901).	.....	
LVII	The Cantonments (House Accommodation) Act, 1902 (II of 1902).	For the words "District Magistrate," wherever they occur, read "Political Agent, Palampur."	
LVIII	The Indian Extradition Act, 1903 (XV of 1903).	.....	
LIX	The Poisons Act, 1904 (I of 1904).	.....	
LX	The Indian Coinage Act, 1906 (III of 1906).	.....	
LXI	The Code of Civil Procedure, 1908 (V of 1908).	.....	
.....	<sup>1</sup> The Explosive Substances Act, 1908 (VI of 1908).	References to British India shall be read as including all the places to which the Act is, or may hereafter be, applied.	
LXII	The Indian Limitation Act, 1908 (IX of 1908).	Subject to section 16 of the Deesa Small Cause Court Law, 1889.	
LXIII	The Indian Registration Act, 1908 (XVI of 1908).	.....	
LXIV	The Whipping Act, 1909 (IV of 1909).	.....	
LXV	The Cantonments Act, 1910 (XV of 1910).	(1) For section 3, substitute the following section :— "3. The Governor of Bombay in Council, with the previous sanction of the Governor General in Council, may by notification in the official gazette define or alter the limits of the Cantonment of Deesa for the purposes of this Act and of all other enactments for the time being in force."	

<sup>1</sup> The Explosive Substances Act, 1906, was applied to the Cantonment of Deesa, among other places, by notification No. 5702, dated the 25th August 1908, printed *supra*, p. 60, but is inserted here for facility of reference.



1	2	3	4
No.	Enactments applied.	Modifications and restrictions.	
		<p>(2) <i>For</i> section 6, <i>substitute</i> the following section :—  “ 6. The Cantonment Magistrate shall be such person as the Governor of Bombay in Council from time to time, by name or in virtue of his office, appoints in this behalf, and shall exercise the powers of a District Magistrate and such other powers described in the Code of Criminal Procedure, 1898, as the Governor of Bombay in Council may from time to time confer upon him.”</p> <p>(3) <i>For</i> the first portion of section 7 down to and including the word “ order ”, <i>substitute</i> the following :—  “ 7. The Governor of Bombay in Council may appoint the Cantonment Magistrate to be the Judge of the Court of Small Causes in the Cantonment of Deesa and shall in his order.”</p> <p>(4) <i>For</i> section 10, <i>substitute</i> the following section :—  “ 10. (a) All the provisions of the Bombay District Police Act, 1890, or the corresponding law for the time being in force in Bombay shall be applicable to the Police-force employed in the Cantonment of Deesa.</p> <p>(b) The administration of the Police-force in the Cantonment of Deesa shall be vested in such person as the Governor of Bombay in Council, by name or in virtue of his office, appoints in this behalf, subject to the general control and direction of the Commanding Officer of the Cantonment.”</p>	

1	2	3	4
No.	Enactments applied.	Modifications and restrictions.	
		<p>(5) In section 15, <i>for</i> the words "the territories administered by the Government", in each place where they occur, <i>substitute</i> the words "British India".</p> <p>(6) In sub-section (1) of section 16, <i>for</i> the words "any cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force", <i>substitute</i> the words "the Cantonment of Deesa".</p> <p>(7) <i>For</i> sub-sections (1) and (2) of section 25, <i>substitute</i> the following:—</p> <p>"(1) Whenever the Governor General in Council has, by a notification in the <i>Gazette of India</i>, extended, under section 23, any enactment in any form to any cantonment or any part of any cantonment in British India, or made, under section 24, any rule for any such cantonment or any part of any such cantonment, the Governor-General in Council may, by notification in the <i>Gazette of India</i>, declare the enactment or rule so extended or made to be in force in the Cantonment of Deesa or any part thereof, subject to such restrictions and modifications, if any, as he thinks fit".</p> <p>"(2) The enactment or rule shall thereupon, in accordance with such declaration, be in force in the Cantonment of Deesa or the part thereof, as the case may be, until the Governor General in Council otherwise directs".</p>	
LXVI	The Indian Army Act, 1911 (VIII of 1911).	.....	
...	<sup>1</sup> The Indian Airships Act, 1911 (XVII of 1911).	.....	

<sup>1</sup> Act XVII of 1911 was applied by a separate notification No. 8892, dated the 14th December 1912, printed *infra*, p. 354, but is inserted here for facility of reference.

1	2	3	4
No.	Enactments applied.	Modifications and restrictions.	
LXVII	The Indian Lunacy Act, 1912 (IV of 1912).	For sub-section (6) of section 3, substitute the following :— "Magistrate means the Cantonment Magistrate."	
	<i>II.--Bombay Regulations.</i>		
I	Caste Questions, Pleders, 1827 (Bom. Reg. II of 1827).	.....	
II	Civil Courts (Law to be observed), 1827 (Bom. Reg. IV of 1827).	.....	
III	Acknowledgment of Debts; Interests; Mortgages, 1827 (Bom. Reg. V of 1827).	.....	
IV	Administration of Estates, 1827 (Bom. Reg. VIII of 1827).	.....	
V	Police (Duties and Powers of Magistrates), 1827 (Bom. Reg. XII of 1827), section 27.	For the words "District Magistrate," wherever they occur, read the words "Cantonment Magistrate."	
VI	Criminal Courts (substitution of letter for summons) 1827 (Bom. Reg. XIII of 1827).	.....	
VII	State Prisoners, 1827 (Bom. Reg. XXV of 1827), except sections 7, 8 and 9.	.....	
	<i>III.—Acts of the Governor of Bombay in Council.</i>		
I	The Bombay Hindu Heirs Relief Act, 1866 (Bom. VII of 1866).	.....	
II	The Bombay Abkari Act, 1878 (Bom. V of 1878).	.....	
III	The Bombay Public Authorities Seals Act, 1883 (Bom. V of 1883).	.....	
IV	The Bombay Salt Act, 1890 (Bom. II of 1890).	.....	
V	The Bombay District Police Act, 1890 (Bom. IV of 1890).	.....	
VI	The Bombay District Vaccination Act, 1892 (Bom. I of 1892).	.....	
VII	The Bombay Prevention of Adulteration Act, 1899 (Bom. II of 1899).	.....	
VIII	The Bombay General Clauses Act, 1904 (Bom. I of 1904).	.....	



## VI.—Orders relating to Courts.

*No. 1431-I., dated the 27th April 1893.*  
*No. 4220, dated the 3rd July 1895.* } Printed in Appendix XIII.

Execution of capital sentences in British India.

*No. 1863-I. A., dated the 13th May 1904.*—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects.

*No. 853-I. B., dated the 16th April 1913.*—Printed in Appendix IV.

High Court at Bombay to exercise jurisdiction over European British subjects.

*No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV.

Justices of the Peace to commit to the High Court at Bombay.

*No. 680-I. B., dated the 19th March 1912.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

*No. 4971-I., dated the 18th December 1888.*—Printed in Appendix IV.

Appointments of Justices of the Peace.

*No. 7204, dated the 22nd October 1906.*—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India, <sup>1</sup>No. 2859-I. A., dated the 19th June 1903, and in supersession of the notification of the Government of India in the Foreign Department, No. 402-I., dated the 4th February 1885, the Governor of Bombay in Council is pleased to make the following rules for the Cantonment of Deesa regulating the administration of Civil and Criminal justice in that Cantonment :—

Constitution of Civil and Criminal Courts.

1. There shall be a Court <sup>2</sup> for the trial of all original Civil suits of whatever amount or value, and of all other matters within the cognizance of a Court of original Civil jurisdiction, arising within the limits of the said Cantonment, except such suits or matters as are within the cognizance of a Court of Small Causes already established in the said Cantonment. The Cantonment Magistrate appointed from time to time under the provisions of the Cantonments Act, 1889 <sup>3</sup>, as applied to the Cantonment, shall be the Judge of the said Court.

<sup>1</sup> Printed in Appendix III.

<sup>2</sup> The Court may send its summonses and decrees to Courts in British India for service and execution—see sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908). But no provision has been made for reciprocity.

<sup>3</sup> See now the Cantonments Act, 1910 (XV of 1910), as applied, *supra*, page 340.

2. An appeal shall lie, subject to the provisions of the enactments from time to time in force in the said Cantonment, against the decrees and orders of the said Court, to the Political Agent of Palanpur, and subject to the provisions of the said enactments, a second appeal shall lie against the decrees and orders of the said Political Agent to the Governor of Bombay in Council.
3. There shall be a Court of Session for the trial of Sessions cases and of Criminal appeals in cases arising within the limits of the said Cantonment. The Political Agent of Palanpur shall be the Judge of the said court, and shall have all such authority and jurisdiction within the limits aforesaid as shall from time to time lawfully appertain to a Sessions Judge under the provisions of the enactments from time to time in force in the said Cantonment.
4. The Commissioner, Northern Division, shall, notwithstanding anything contained in the first proviso to the notification of Government in the Political Department,<sup>1</sup> No. 5287, dated the 30th July 1906, exercise the jurisdiction of a High Court in respect of offences over which the jurisdiction of a Court of Session is exercised by the Political Agent, subject to the following limitations :—
  - (a) In the case of every appeal by a person convicted of an offence punishable with death or by a co-accused of such convict, the said jurisdiction shall be exercised by the Governor in Council;
  - (b) In every case decided by the Commissioner the Governor in Council reserves jurisdiction to call for the record and pass orders as he thinks fit.

[ *Bombay Government Gazette*, 1906, Pt. I, p. 1483. ]

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<sup>1</sup> Printed *supra*, p. 335.

## VII.—Local Laws.

No. 1374-I., dated the 29th March 1889.—Whereas it is expedient to amend the law relating to the Court of Small Causes in the Cantonment of Deesa, the Governor General in Council has been pleased to make the following rules :—

## CHAPTER I.

## PRELIMINARY.

1. (1) These rules may be called the Deesa Small Cause Courts Law, 1889, and are hereinafter referred to as Title and commencement. “this Law;” and
- (2) They shall come into force on the 1st day of May 1889.
2. (1) The notification of the Government of India in the Foreign Department, No. 403-I., dated the 4th day of February 1885, in so far as it relates to the application of the Mufassal Small Cause Courts Act, XI of 1865, to the Cantonment of Deesa, is hereby rescinded.

Rescission of notification with respect to the application of Act XI of 1865.

(2) Any enactment or document referring to the said Act shall, so far as may be, be construed to refer to this Law or to the corresponding portion thereof.

3. Nothing in this Law shall be construed Savings. to affect—

- (a) any proceedings before or after decree in any suit instituted before the commencement of this Law ; or
- (b) the jurisdiction of a Magistrate under any law for the time being in force with respect to debts or other claims of a civil nature ; or
- (c) any local law or any special law other than the Code of Civil Procedure as applied<sup>1</sup> to the Cantonment of Deesa (that Code being hereinafter referred to as “the Code”).

## CHAPTER II.

## CONSTITUTION OF THE COURT OF SMALL CAUSES.

4. (1) The Court of Small Causes established in the Cantonment of Deesa by Resolution<sup>2</sup> of the Government of Bombay, No. 817 (Judicial), dated the 17th

<sup>1</sup> See now the Code of Civil Procedure, 1908, as applied by notification No. 5287, dated the 30th July 1906, as amended. Printed *supra*, p. 335.

<sup>2</sup> The following are the terms of the Resolution :—

“Under the provisions of section 6 of Act XXII of 1864, the Right Hon’ble the Governor in Council is pleased to establish in the Cantonment of Deesa a Court of Small Causes.”

day of March 1868 (hereinafter referred to as the Court of Small Causes),  
is hereby continued \* \* \* \*

(2) The local limits of the jurisdiction of the Court of Small Causes shall be the limits for the time being of the Cantonment of Deesa, and the Court may be held at such place or places within those limits as the Governor of Bombay in Council may from time to time appoint.

5. (1) The ministerial officers of the Court of Small Causes shall, in addition to any duties mentioned in this Law or in any other enactment for the time being in force as duties which are or may be imposed on any of them, discharge such duties of a ministerial nature as the Judge from time to time directs.

(2) The Governor of Bombay in Council may from time to time make rules consistent with this Law, and with any other enactment for the time being in force conferring and imposing on the ministerial officers of the Court of Small Causes such powers and duties as he thinks fit, and prescribing the mode in which powers and duties so conferred and imposed are to be exercised and performed.

### CHAPTER III.

#### JURISDICTION OF THE COURT OF SMALL CAUSES.

6. (1) The Court of Small Causes shall not take cognizance of the suits specified (as being excepted from the cognizance of a Court of Small Causes) in the second schedule to the Provincial Small Cause Courts Act, 1887, being Act IX of 1887 of the Acts of the Governor General of India in Council.

(2) Subject to the exceptions specified in that schedule and to the provisions of any enactment for the time being in force, all suits of a civil nature of which the value does not exceed the amount for the time being declared to be the pecuniary limit of the jurisdiction of the Court of Small Causes under the provisions of section 5 of the Cantonments Act shall be cognizable by the Court of Small Causes.

7. Save as expressly provided by this Law or by any other enactment for the time being in force, a suit cognizable by the Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes.

<sup>1</sup> The rest of this sub-section was cancelled by paragraph III of notification No. 1377-I., dated the 25th April 1890, which applied the Cantonments Act, 1889 (XIII of 1889).



## CHAPTER IV.

## PRACTICE AND PROCEDURE.

8. (1) The procedure prescribed in the chapters and sections of the Code which are specified in the second schedule thereto shall, so far as those chapters and sections are applicable, be the procedure to be followed in the Court of Small Causes in all suits cognizable by it and in all proceedings arising out of such suits :

Application of the Code of Civil Procedure.  
 Provided that an applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decrees or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(2) Where a person has become liable as surety under the proviso to sub-section (1), the security may be realized in manner provided by section 253 of the Code.

9. When the Judge of the Court of Small Causes is absent, the chief ministerial officer of the Court may exercise from time to time the power which the Court possesses of adjourning the hearing of any suit or other proceeding, and fix a day for the further hearing thereof.

Adjournment of cases by chief ministerial officer.  
 10. (1) Notwithstanding anything in the foregoing provisions of this Law, when the right of a plaintiff and the relief claimed by him in the Court of Small Causes depend upon the proof or disproof of a title to immoveable property or other title which the Court cannot finally determine, the Court may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the title.

Return of plaints in suits involving questions of title.  
 (2) When the Court returns a plaint under sub-section (1), it shall comply with the provisions of the second paragraph of section 57 of the Code and make such order with respect to costs as it deems just, and the Court shall for the purposes of the Indian Limitation Act, XV of 1877<sup>1</sup> as applied to the Cantonment of Deesa (hereinafter referred to as the Limitation Act), be deemed to have been unable to entertain the suit by reason of a cause of a nature like to that of defect of jurisdiction.

<sup>1</sup> The Limitation Act, 1908 (IX of 1908), has been applied to the Cantonment by notification No. 5287-1., dated the 30th July 1906, as amended. Printed *supra*, p. 335.

11. Where an order specified in section 588, clause (29), of the Code is made by the Court of Small Causes, an appeal therefrom shall lie to the Political Superintendent of Palanpur.

Appeals from certain orders of the Court of Small Causes.

12. The Governor of Bombay in Council, for the purpose of satisfying himself that a decree or order made in any case decided by the Court of Small Causes was according to law, may call for the case and may pass with respect to any case so called for such order as he thinks fit.

Revision of decrees and orders of the Court of Small Causes.

13. Save as provided by this Law, a decree or order made under the foregoing provisions of this Law by the Court of Small Causes shall be final.

Finality of decrees and orders.

## CHAPTER V.

### SUPPLEMENTAL PROVISIONS.

14. The Court of Small Causes shall be subject to the administrative control of the Political Superintendent of Palanpur and to the superintendence of the Governor of Bombay in Council, and shall—

Subordination of the Court of Small Causes.

- (a) keep such registers, books and accounts as the Governor of Bombay in Council from time to time prescribes, and
- (b) comply with such requisitions as may be made by the Political Superintendent of Palanpur or the Governor of Bombay in Council for records, returns and statements in such form and manner as the authority making the requisition directs.

15. The Court of Small Causes shall use a seal of such form and dimensions as are prescribed by the Governor of Bombay in Council.

Seal.

Amendment of Indian Limitation Act.

16. In the third division of the Second Schedule to the Limitation Act,—

- (a) after No. 160 the following shall be inserted, namely :—

“ 160 A. For a review of judgment by the Court of Small Causes in the Cantonment of Deesa. | Ditto . . . | The date of the decree or order.”

and (b) in No. 173 the words, figures and letter “ No. 160 A and ” shall be inserted before the word and figures “ No. 162.”

[*Gazette of India*, 1890, Pt. I, p. 193.]

## SADRA BAZAR.

The British enactments and jurisdictional arrangements in force in the Sadra Bazar are those which obtain in Thana circles in the Mahi Kantha Agency, *vide* pages 47 to 58 and 111 to 151 *supra*, except that none of the orders cited under the Indian Extradition Act, 1903, are operative.



RAJKOT CIVIL STATION AND <sup>1</sup>CANTONMENT.

The

- I.—Statutes,
- II.—Acts of the Governor-General in Council,
- III.—Orders under Statutes,
- IV.—Orders under Acts of the Governor-General in Council,
- V.—Orders relating to Courts, and
- VI.—Special Laws

cited above <sup>2</sup> as in force in Kathiawar operate also in the Civil Station and Cantonment of Rajkot, with the exception of the orders cited under the Indian Extradition Act, 1903.

The following are also in force—

## Orders relating to Courts.

*No. 42, dated the 20th December 1875.*—It is notified with the sanction of Government that a Court of Small Causes is constituted for the trial of suits cognizable by Courts of Small Causes under Act XI of 1865 in the Station of Rajkot. The jurisdiction of the Court extends, as to territorial limits, to the boundaries of the Civil Station, and, as to value of suits, to the sum of five hundred rupees. Establishment of a Small Cause Court.

The Station Magistrate, Rajkot, is *ex officio* Judge of the Small Cause Court. He will be guided in the exercise of his powers by the spirit of Act XI of 1865.

The Court is established from January 1st, 1876.

[*Kathiawar Agency Gazette*, 1875, p. 248.]

## Acts locally applied.

*No. 1447-I. A., dated the 2nd June 1899.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)<sup>3</sup>, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to apply the provisions of the Prisons Act, 1894 (IX of 1894), to the Civil Station of Rajkot so far as they may be suitable :

Provided that, for the purpose of facilitating the application of the said provisions as so applied, any Court having jurisdiction in the said Civil Station may construe them with such alterations, not affecting the substance as may be necessary or proper to adapt them to the matter before the Court :

<sup>1</sup> For a description of the boundaries of the Cantonment see notification No. 964-I., dated the 16th March 1896. *Gazette of India*, 1896, Pt. I, p. 193.

<sup>2</sup> See pp. 47 to 58 and 177 to 330 *supra*.

<sup>3</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

Provided, also, that references to the Local Government shall be read as referring to the Government of Bombay and references to British India or the territories subject to a Local Government as referring to the said Civil Station.

\* \* \* \* \*

[*Gazette of India*, 1899, Pt. I, p. 445.]

Indian Airships Act,  
1911.

*No. 8892, dated the 14th December 1912.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I. A., dated the 19th June 1903, the Governor in Council is pleased to apply the Indian Airships Act, 1911 (XVII of 1911), to the Cantonment of Deesa and to the Rajkot Civil Station (including the Cantonment), subject to any amendments to which the said enactment is for the time being subject in British India: Provided that the references to British India in the said enactment, as so applied, shall be read as referring to the said Cantonment and the said Civil Station respectively.

[*Bombay Government Gazette*, 1912, Pt. I, p. 2239.]

#### Local laws.

Rajkot Civil Station  
Conservancy Rules.

<sup>2</sup> *No. 14, dated the 18th February 1897.*—Not re-printed.

[*Kathiawar Agency Gazette*, 1897, p. 50.]

Rajkot Civil Station.  
Closure of Burial  
Places Rules, 1903.

*No. 6470, dated the 28th September 1903.*—In exercise of the powers and jurisdiction delegated by the Governor-General in Council by the notifications of the Government of India in the Foreign Department, No. 1975-I. A., dated the 16th May 1902, and <sup>1</sup>No. 2859-I. A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to make the following Rules to regulate the closing of places used for the disposal of the dead in the Rajkot Civil Station, namely :—

- (1) If the Rajkot Civil Station Committee be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, they may submit their opinion, with the reasons therefor, to the Governor

<sup>1</sup> Printed in Appendix III.

<sup>2</sup> As amended by notification No. 20, dated the 28th April 1910. *Kathiawar Agency Gazette*, 1910, p. 122.

in Council, and the Governor in Council thereupon, after such further enquiry, if any, as he shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified on that behalf in the said notification.

- (2) Every such notification, together with a translation thereof in the vernacular, shall be published in the *Kathiawar Agency Gazette* and in the Rajkot local newspapers, and shall be posted up at the office of the Rajkot Civil Station Secretary and in one or more conspicuous places on or near the place to which it relates.
- (3) Whoever buries or otherwise disposes of any corpse in any such place after the date specified in any notification made, under Rule 1, for the closure of such place, shall be punishable with fine which may extend to one hundred rupees.

[*Bombay Government Gazette*, 1903, Pt. I, p. 1264.]

No. 7136, dated the 6th November 1908.—In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department notification <sup>1</sup>No. 2859-I. A., dated 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe in supersession of notification No. 6407-A., dated the 20th August 1902, the following revised Regulations relating to public conveyances in the Civil Station of Rajkot under the Kathiawar Agency :—

Rajkot Civil  
Station Public  
Conveyances Rules,  
1908.

- (1) Every carriage with two or more wheels which shall be used for the purpose of plying or driving for hire within the limits of the Rajkot Civil Station, of whatever form or construction, or by whatever number of horses or other animals the same shall be drawn, shall be deemed and taken to be a public conveyance.  

Definition of public conveyance.
- (2) No person shall keep or let or drive or cause to be driven for hire any public conveyance within the said jurisdiction without having a license in force for the same granted by the Superintendent of Agency Police, nor if such conveyance be ordinarily let for hire for a period of less than one whole day, unless there be painted or branded on such parts of the said conveyance, as the Superintendent of Police may direct, a number corresponding with  

No person to use or let for hire conveyance not licensed or not numbered.

<sup>1</sup> Printed in Appendix III.

that of the license granted for such conveyance, together with the number of passengers it is licensed to carry, as follows :—

“Licensed to carry ( ) passengers only ;” nor unless a board or plate inscribed with such list of rates of fares and affixed in such manner as the Superintendent of Police may direct be attached to such conveyance; and any person keeping or letting or driving or causing to be driven for hire any public conveyance without such license aforesaid or without such number or inscription being legibly painted or branded thereon, or without such list of rates of fares being attached thereto, shall be liable, on conviction before a Magistrate, to a penalty not exceeding Rs. 100 or to simple imprisonment for a period not exceeding three months.

III. No attendant of any public conveyance shall ply or drive for hire or demand or receive any fare for the conveyance of any passenger, unless he shall have received a license from the Superintendent of Police and a metal badge bearing the number of such license, which badge he shall be bound to wear on a conspicuous part of his dress at all times when he may be so plying for hire or pursuing his occupation as such attendant, and if any attendant, who shall not have received a license and badge shall ply or drive for hire or demand or receive any money from any passenger or if any licensed attendant shall fail to wear the badge aforesaid as in this section directed or if he shall permit any other person to wear his badge, he shall for each such offence be punishable on conviction before a Magistrate with a fine not exceeding Rs. 20, or in default of payment of such fine shall be liable to simple imprisonment for a period not exceeding one month : Provided that every person other than the licensed attendant who wears the badge is presumed to wear it with the licensed attendant's permission.

IV. Every license shall contain and specify the full name and address of the licensee, the number and class of conveyance for which the license has been issued, the number of horses or other animals by which the conveyance shall be drawn, the number of passengers such conveyance is licensed to carry (and whether it is licensed to ply for hire on fixed stands only or to take up passengers on any or what roads or places and between any and what



points), the date on which such license was granted and that on which it will by efflux of time lapse and expire.

V. As often as any licensee shall change his residence he shall give Notice to be given of change of residence. notice thereof in writing, signed by himself, to the Superintendent of Police, and on failure to give that notice within one week after his change of residence he shall be liable to a penalty of Rs. 20.

VI. Licenses issued under Section II of these provisions shall usually be granted on the 1st January of each year, Superintendent of Police may grant licenses for public conveyance. but the Superintendent of Police, Kathiawar Agency, may, at any other time, grant licenses, and shall always at the time of granting every license, and at all other times, when necessary, cause to be painted or branded upon a conspicuous part of every such public conveyance such number and inscription as are required by Section II: Provided that the said Superintendent of Police may, in his discretion, refuse to grant any such license for any conveyance which he may consider to be insufficiently found or otherwise unfit for the conveyance of the public, or to any applicant whom he may consider from youth, bad character, or for other reason unfit to be entrusted with the same.

VII. For every such license there shall be levied a fee in accordance with the class of license granted, as shown Fees for license. in the following scale: [provided that if any licensee under these rules hold in addition a license for a similar purpose granted by the Rajkot State, it shall be within the discretion of the Agent to the Governor to reduce the amount of the fees hereinbelow mentioned as he may think fit :—]

	Rs.	A.	P.
1. Shigrams, phaetons and other vehicles on four wheels licensed to carry not more than six persons including the driver, whether drawn by one or more horses . . . . .	1	0	0
2. Dog-carts, tongas, or similar vehicles on two wheels licensed to carry four persons including the driver . . . . .	0	12	0
3. Horse vehicles on two wheels licensed to carry three persons including the driver . . . . .	0	8	0
4. Bullock-carts on two or more wheels drawn by two bullocks to carry five persons including the driver . . . . .	0	4	0
5. Labour-carts to carry goods only . . . . .	0	4	0

The balance of such fees, after all necessary contingent or other expenses shall have been defrayed, shall from time to time be credited to the Civil Station Funds.

VIII. The Superintendent of Police shall, on or as soon as possible after the 1st day of January in each year, renew the licenses and numbers of the said public conveyances on payment of the regulated fee by the licensee: Provided that nothing herein contained shall prevent the Superintendent of Police from altering or changing the number of any such conveyance, or from refusing absolutely to renew the license of any conveyance which he may consider to be insufficiently found, or otherwise unfit for its intended purpose, or the owner of which he may consider unfit to be entrusted with such renewed license.

IX. In the event of any such licensed public conveyance being at any time insufficiently found or appointed or of any driver or attendant of any such public conveyance appearing unfit to be trusted with the charge of the same, or of such conveyance being used for passengers when licensed only for labour, the Superintendent of Police may, in his discretion, suspend or revoke the license and order the number of such conveyance to be erased; and the owner or attendant of any conveyance the license of which shall have been suspended, or the number of which shall have been ordered to be erased as aforesaid, who shall again permit the same to ply or to be driven for hire or ply or drive the same for hire before he shall have obtained a restoration or renewal of such license from the Superintendent of Police and affixed a corresponding number and inscription to such conveyance, shall on conviction before a Magistrate be liable to the penalty prescribed by Section II of these rules for keeping or letting for hire any unlicensed public conveyance.

X. All licenses which shall have been suspended or revoked by the Superintendent of Police under the authority of the preceding section shall be delivered up to the said Superintendent of Police, by the licensee within twenty-four hours after the suspension or revocation thereof, under penalty, on conviction before a Magistrate, of a fine of Rs. 20, failing payment of which the licensee shall be liable to simple imprisonment for a period not exceeding two months.

XI. Duplicate licenses may be granted by the Superintendent of Police on proof of the license granted for any public conveyance having been lost or mislaid, or of the particulars written in such license having been accidentally

obliterated or defaced ; and the said Superintendent of Police may also renew or restore the numbers or inscriptions on public conveyances which shall have become obliterated ; a fee equal to one-half the fee leviable under Section VII being previously paid for each license or number renewed or restored under this section, or under Section VIII of these rules.

**XII. Licenses issued under** these rules may be transferred by or on account of the licensee to any other person with the sanction of the Superintendent of Police, such sanction being duly endorsed on the reverse of such license ; and all responsibility of the original licensee after such sanction endorsed as aforesaid shall be attached to the transferee : provided that any transfer without such sanction endorsed shall forthwith render the license null and void.

**Licenses not transferrable without sanction of Superintendent of Police endorsed thereon.**

**Responsibility of transferee of license.**

**Effect of transfer without sanction.**

**XIII. The Superintendent of Police shall keep registers containing the full particulars of each public conveyance as entered in the license thereof, and any person using or authorising the use of a license, number or inscription, other than for the particular conveyance for which it has been issued, as apparent from the register, shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs 100, or in default of payment of such fine to simple imprisonment for a period not exceeding three months.**

**Registers to be kept.**

**Penalty for misuse of license.**

**XIV. The Superintendent of Police may, subject to the approval of the Agent to the Governor, make and publish subsidiary rules not inconsistent with the provisions of these rules for promoting the object of the same and for the better regulation of public conveyances, and the Superintendent of Police shall from time to time fix the rates for the fare or hire of such public conveyances, specifying whether the hire or fare be for the whole conveyance or for one or more passengers, and shall from time to time appoint stands or places, at which stands and places alone such public conveyances may stand to ply for hire ; and the rates so settled and stands or places so appointed shall, when sanctioned by the Agent to the Governor, be published in the *Kathiawar Agency Gazette*, and**

**Powers to make rules.**

**Rates and fares to be fixed**

**Stands to be appointed.**

**Rates and stands to be published.**

shall thereafter, or until such rates and places shall be again altered by the authorities as aforesaid, be held and taken to be legally fixed and appointed.

X. Any licensee, driver or any attendant of any public conveyance, who shall suffer or permit more passengers to be carried by the same than it is licensed to carry, or shall in any way infringe or violate any of the conditions of his license shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 50, or in default of payment of such fine to simple imprisonment for a period not exceeding two months.

Penalty for carrying passengers in excess or otherwise violating condition of license.

XVI. If any licensee, driver or other attendant of any public conveyance shall permit or suffer the number or inscription thereof to be in any manner or by any means concealed from public view, or if any such licensee, driver or other attendant as aforesaid shall in any way attempt to prevent or obstruct any person taking or noting the number of such public conveyance, he shall, on conviction before a Magistrate, be liable for every such offence to a fine not exceeding Rs. 20, or in default of payment of such fine be liable to simple imprisonment for a period not exceeding two months.

Penalty for concealing number or preventing a person taking note thereof.

XVII. If the licensee, driver or other attendant of any public conveyance, the whole of which has been hired or taken by one or more persons, shall permit or suffer any person to ride or be carried in upon or about such public conveyance without the express consent of the person or persons hiring the same, such licensee, driver or other attendant shall, for every such offence, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20, or in default of payment of such fine be liable to imprisonment as prescribed in the last preceding section.

Penalty for permitting person to ride in public conveyance without consent of hirers.

XVIII. Every licensee, driver, or other attendant in charge of any public conveyance shall have with him when plying or driving for hire a clean and legible list in English and Gujarati bearing the name in full of licensee and attendant and showing the rates and fares fixed and appointed to be taken for the fare or hire of his conveyance, with an abstract of the laws relating to public conveyances, and shall, on demand, produce the same for the information of any hirer or passenger by, such public conveyance under penalty on conviction before a Magistrate of a fine not exceeding Rs. 20, and in default of payment of such fine,

To carry list of fares, etc.

To produce same on demand.

he shall be liable to simple imprisonment for a period not exceeding two months.

XIX. The above lists as also lists of rates and fares fixed and appointed for public conveyances and of the stands or places at which the same ply for hire, with an abstract of the law relating to such conveyances and to the licensees and attendants thereof, shall be prepared in the office of the Superintendent of Police and shall be issued to all applicants on payment of a fee of 4 annas for each copy.

XX. If any driver or other attendant of any public conveyance shall refuse or neglect to give way if he conveniently can to any private conveyance, or shall obstruct or hinder the driver or other attendant of any other public conveyance in taking up or setting down any person, into or from any such other public conveyance every such driver or other attendant so offending shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 20 or in default of payment of such fine be liable to simple imprisonment for a period not exceeding two months.

XXI. Every driver or other attendant of any public conveyance who shall at any time during such employment be intoxicated or who shall refuse to obey the reasonable orders of the person or persons hiring or using his conveyance or shall when plying for hire keep the inside of his conveyance dirty shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 20 and in default of payment thereof shall be liable to imprisonment as prescribed in the last preceding section.

XXII. If the driver or other attendant of any public conveyance plying for hire not being a labour cart, shall demand prepayment of his fare or shall refuse to convey any person desirous of hiring his conveyance or shall refuse or delay to proceed with reasonable expedition, or shall exact or demand for the hire thereof more than the regulated sum, or shall stand to ply for hire at any place or places other than the stands or places appointed for that purpose, he shall for every such offence on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20, and in default of payment of the same shall be liable to simple imprisonment for a period not exceeding two months.

XXXIII. The driver or other attendant of any public conveyance who shall by negligence or misconduct, cause any  
Arrest in case of hurt or damage negligently or wilfully occasioned. hurt or damage, may be arrested by any person who shall see such offence committed, and be by him made over to a Constable or Police Officer for arraignment before a Magistrate and in addition to such punishment as may thereupon be inflicted under the law  
Compensation in addition to punishment. in that case made and provided, the offender shall pay such reasonable compensation to the complainant as such Magistrate shall see fit to award, and in default of payment thereof, shall be liable to simple imprisonment for a period not exceeding six months.

XXIV. In case of any dispute the hirer of a public conveyance may require the driver or other attendant thereof, and the driver or attendant may require the hirer thereof to proceed forth-  
In case of disputes driver or hirer may be required to proceed to a Magistrate's Court. with to the Court of a Magistrate where the dispute shall be determined by the Magistrate then sitting. Should such Court be closed

either party may require the other to proceed to the Police Officer in charge of the Station, who shall, if necessary, arrange for the hearing of the complaint at the next sitting of the Court, but if the dispute or complaint take place at a railway Station, and the hirer be about forthwith to leave Rajkot Civil Station, it shall be competent to the said Police Officer, after hearing both parties, to determine what sum may be due by the hirer, and to demand and receive the same together with, in the case of any sum being in his opinion due for compensation, under section XXIX of these rules, an additional sum of Rs. 10, on payment of which such Police Officer having taken the name and address of the hirer and permitted him to depart, shall thereupon make a report of the dispute or complaint and deliver the money received by him to the Magistrate, who if the claim or complaint of the driver or attendant shall not have been excessive or unjust, may award and pay to the said driver or attendant the amount thereof, not being in excess of the total amount received and delivered by the Police Officer, but if any offence shall appear to have been committed against the hirer by the driver or attendant the owner and driver or attendant shall have no claim to hire or compensation and the Magistrate shall likewise inquire into such offence, and on proof of the same shall adjudge punishment or otherwise proceed according to law, and in either case the Magistrate having given notice to such hirer shall on demand return to him the sum paid by such hirer to the Police Officer or such surplus as may remain thereof.

XXV. Every licensee of any public conveyance under these rules shall be bound, whenever required by a Licensee bound when required by Police Officer to ply for hire. Police Officer to do so, to cause the same to ply for hire, and every driver or attendant shall when so required continue to exercise his calling in the customary manner, and for any refusal or failure to comply with such requisition without reasonable cause proved, such licensee, driver or attendant shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 50.

XXVI. When any information or complaint shall be made before any Magistrate against the driver or other attendant of any public conveyance for any offence committed by him in the exercise of his vocation, against any of the provisions of these rules, such Magistrate may forthwith and from time to time summon the licensee of such public conveyance to appear and produce such driver or other attendant to answer such information or complaint; and if any such licensee shall neglect or refuse personally to appear or to produce such driver or other attendant according to such summons, without a reasonable excuse to be allowed by the Magistrate before whom he ought to appear according to such summons, he shall be liable to fine not exceeding Rs. 50 and it shall be lawful for such Magistrate to hear and determine the said information or complaint in the absence of the said licensee, driver or other such attendant as aforesaid, and upon satisfactory proof of such offence to give judgment against such person for the penalty incurred by reason of such offence.

XXVII. Pecuniary fines, penalties, or awards, levied, imposed or made under these rules may be levied by distraint and sale of the offender's moveable property, under warrant of the Magistrate who has inflicted the punishment, and if any driver or other attendant shall fail to pay any fine, penalty or award, for which commutation by imprisonment shall not have been awarded, the same may be levied by distraint and sale of the moveable property of the licensee of the public conveyance of which the offender was an attendant. And in cases wherein imprisonment shall have been adjudged in commutation, the offender shall at any time be released upon paying such proportion of the fine as shall equal the proportion of his whole term of imprisonment still unexpired.

XXVIII. If any person shall refuse or omit to pay to the driver or other attendant of any public conveyance the lawful fare due to him for the hire or fare of such public conveyance, it shall be lawful for any Magistrate upon complaint of the same being preferred and upon proof of the fact made upon oath or solemn affirmation before him, to award reasonable satisfaction to the party so complaining for his fare, and also a reasonable compensation for his loss of time in attending to make and establish his complaint and in default of payment, to sentence the defaulter to simple imprisonment for a period not exceeding one month.

XXIX. If any person using a public conveyance under these rules shall wilfully or negligently injure the same, he shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 20 and shall also pay to the owner of the public conveyance compensation for the injury, the amount of the compensation to be fixed by the Magistrate and to be recovered as a fine.

XXX. If the driver or other attendant of any public conveyance, not having previously offered his conveyance for hire to the person desirous of hiring it, shall, in civil and explicit terms, declare to such person that his conveyance is actually hired, and shall afterwards, notwithstanding his reply, be proceeded against for his refusal to carry such person in his said conveyance, and shall upon the hearing of the complaint produce sufficient evidence to prove that such conveyance was at the time actually and *bond fide* hired, and it shall not appear that he used any uncivil language, or that he had offered his conveyance for hire to or improperly conducted himself towards, the party by whom he shall be so proceeded against or if the person who had proceeded against him shall not appear to prosecute his complaint, the Magistrate before whom such driver or other attendant shall be brought may order such person to make the driver or other attendant such compensation for his loss of time in attending to make his defence to such complaint, as the Magistrate may deem reasonable, and in default of payment may sentence him to simple imprisonment for a period not exceeding one month.

XXXI. All property left in any public conveyance licensed under these rules shall be forthwith deposited by the driver or attendant, as the case may be, in the office of the Superintendent of Police.



Such property shall be returned to the person who shall prove to the Superintendent of Police that the same belonged to him, on payment of all

expenses reasonably incurred, and of such  
Restoration to owner. reasonable sum to the driver or attendant as

the Superintendent of Police may award, and any driver or other attendant  
of any public conveyance licensed under

Penalty for not depositing. these rules who shall neglect so to deposit  
all property left in a public conveyance shall be liable, on conviction before  
a Magistrate, to a fine not exceeding Rs. 50 and in default of payment of  
the same to simple imprisonment for one month or to both.

XXXII. Any Police Officer or constable may arrest without a warrant

any person committing in his view any  
Police Officer may arrest without  
warrant a person offending in his view,  
and may seize and detain public  
conveyance when necessary. offence against these rules, and may seize  
and detain in any place of safety, until  
judgment shall be given in the case, any  
conveyance which, for the better fulfilment

of the intent and meaning of these rules, it may be necessary so to seize  
and detain.

XXXIII. The Magistrate referred to in the preceding section shall

be a Magistrate exercising powers not less  
Definition of Magistrate. than those of a First Class Magistrate.

XXXIV. No conviction under these  
rules shall be open to appeal or reversal by  
any other Court.  
Convictions under the rules final.

XXXV. Attendants on public conveyances licensed under these  
rules include drivers and any other

conductors.  
Construction.

[*Bombay Government Gazette, 1908, Pt. I, p. 1968.*]

No. 3093, dated the 9th April 1912.—Whereas it has been found  
necessary to make better provision for securing house accommodation for  
Military Officers in the Rajkot Cantonment :

Now therefore the Governor in Council, in exercise of the powers  
delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902,  
by the Governor-General in Council in the notification of the Government

Rajkot Cantonment  
House Accommoda-  
tion Rules, 1912.

of India in the Foreign Department,<sup>1</sup> No. 2859-1.A., dated the 19th June 1903, is pleased to apply the following rules to the Rajkot Cantonment :—

*Rules to make better provision for securing house accommodation for Military Officers in the Rajkot Cantonment.*

1. (1) These rules extend to that portion of the Rajkot Civil Station which is generally known and actually demarcated as the Cantonment.

(2) They shall come into force at once.

2. (1) In these rules, unless there is anything repugnant in the subject or context—

(a) "*Cantonment Authority*" means the Political Agent, Halar Prant, or other First Class Magistrate appointed for the purpose of enforcing the following rules :

(b) "*house*" means a house suitable for occupation by a Military Officer and includes the land and building appurtenant to such house :

(c) "*Military Officer*" means a Commissioned or Warrant Officer of His Majesty's regular forces on duty in the Cantonment :

(d) "*owner*" includes the person who is receiving, or is entitled to receive, the rent of a house, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent, or be entitled to receive, if the house were let to a tenant :

(e) "*repairs*" to a house include such repairs as are usually made to a house in the neighbourhood, but do not include additions, improvements or alterations, except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the owner's consent.

(2) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the Political Agent, Halar, whose decision thereon shall be final.

3. Every house situate in the Rajkot Cantonment or a part thereof shall be liable, subject to the provisions hereinafter contained, to appropriation at any time for occupation by a Military Officer.

4. Where the Cantonment Authority, on application made to it, as hereinafter provided by Rule 5 and subject to the requirements of that rule, considers that the liability imposed by Rule 3 should be enforced on behalf of a Military Officer, it may, if the house is not already occupied by a

<sup>1</sup> Printed in Appendix III.

Military Officer, by notice (a) require the owner to let the house to the Military Officer, named in the notice and (b) require the existing occupier (if any) to vacate the same in favour of the Military Officer aforesaid.

5. (1) Where a Military Officer considers that a notice should be issued in his behalf under Rule 4, he may request the Officer Commanding at Rajkot to make an application to that effect to the Cantonment Authority.

(2) On receipt of such an application the Cantonment Authority shall enquire into the case, and it shall not issue the notice applied for unless it is satisfied—

- (a) that it is necessary or expedient for the Military Officer to reside in the Cantonment;
- (b) that the circumstances are such as to require its intervention;
- (c) that the monthly rent proposed for the house is reasonable; and
- (d) that the house is suitable for the residence of the officer and, if it is already occupied, that there is no other vacant house in the Cantonment which is suitable for his residence.

*Explanation 1.*—Where the rent of a house is registered in the office of the Officer Commanding, Rajkot, the rent so registered shall be presumed, until the contrary is shown, to be the reasonable rent for the house.

*Explanation 2.*—In considering whether a house is suitable for the residence of a Military Officer, regard shall be had to—

- (i) his rank, and
- (ii) the number of persons dependent upon and residing with him.

6. Every notice to an owner issued under Rule 4 shall state the amount of monthly rent proposed as reasonable for the house.

7. (1) If a house is unoccupied, a notice issued under Rule 4 may require the owner to give possession of the same to the proposed tenant within 14 days from the service of the notice.

(2) If a house is occupied, a notice issued under Rule 4 shall not require its vacation in less than 30 days from the service of the notice.

8. If the owner fails to give possession of a house to the proposed tenant in pursuance of a notice issued under Rule 4, or if the existing occupier fails to vacate a house in pursuance of such a notice, the Cantonment Authority shall enter on the premises and enforce the surrender of the house.

9. (1) If a house is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, or from year to year, no notice shall be issued under Rule 4 without the previous sanction of the Agent to the Governor in Kathiawar.

(2) If a house, in respect of which a notice is issued under rule 4, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, the Secretary of State for India in Council shall, for the term of one year from the date on which the house is vacated in pursuance of the notice or for the unexpired term of the lease, whichever is the shorter, be liable to the owner, for the rent payable under these rules or, if no rent is so payable, for the rent fixed in the registered lease.

(3) If a house in respect of which a notice is issued under rule 4, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease from year to year, the Secretary of State for India in Council shall be liable as aforesaid for the term of six months from the date on which the house is vacated in pursuance of the notice.

(4) Nothing in this rule shall be deemed—

- (a) to render the Secretary of State for India in Council so liable unless an application in writing in his behalf is made by the owner to the Cantonment Authority within 15 days from the service of the notice; or
- (b) to limit or otherwise affect any agreement between the said Secretary of State in Council and the owner.

10. If the owner fails to execute any repairs to a house which the tenant being a Military Officer, considers necessary, the Cantonment Authority may, at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice require the owner to execute such repairs or such of them as it may consider necessary, within a period of not less than 15 days, to be specified in the notice.

11. Where the owner fails to comply with a notice issued under rule 10, the Military Works Services or the Agency Public Works Department shall, on the application of the tenant of the house, being a Military Officer, cause the repairs specified in the notice to be executed at the expense of the tenant, and the tenant may deduct the cost thereof from the rent or otherwise recover it from the owner.

12. In the event of any disagreement between the owner and a tenant of a house, being a Military Officer, on any matter relating to rent or repairs, either the owner or the tenant may refer the matter for decision to the Cantonment Authority.

13. (1) Subject to the terms of any agreement in writing between an owner and a Military Officer, and to the provisions of this rule, every lease of

a house to such an officer shall be deemed to be a lease from month to month, terminable—

- (a) without notice in the case of the Cantonment Authority deciding as hereinafter provided, that the house has become unfit for occupation ;
- (b) by half a month's notice to the owner in the case of the departure of the officer from the Cantonment on duty or under Medical Certificate ; and
- (c) by one month's notice to the owner in any other case.

(2) The Cantonment Authority shall, if the Military Officer so desires, cause the notice required by clause (b) or clause (c) above to be served on the owner.

(3) Where a Military Officer has, in pursuance of clause (a) above, given up his occupation of a house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay, as rent for that portion, a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month.

(4) Where a notice in respect of a house has been issued under rule 4 and the house has been vacated in pursuance thereof, the tenancy of the Military Officer in whose behalf the notice was issued shall be deemed to have commenced on the date on which the house was vacated.

14. If the tenant of a house, being a Military Officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may refer the matter for orders to the Cantonment Authority.

15. Where an application is made to the Cantonment Authority under rule 12 or 14 it may, after such enquiry as it thinks fit, pass orders—

- (i) to determine the amount of monthly rent to be paid ;
- (ii) to determine whether any, and (if any) what, repairs are necessary, the extent to which they are necessary, and the period within which they are to be executed ;
- (iii) to determine whether the house has become unfit for occupation ;
- (iv) otherwise to determine the question in dispute.

16. (1) If any owner or any tenant of a house is aggrieved by a notice issued under rule 4, he may appeal to the Agent to the Governor in Kathiawar.

(2) No such appeal shall be admitted unless made within a period of 21 days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the Kathiawar Agency Limitation Law with respect to the computation of periods of limitation thereunder.

17. (1). Every petition of appeal shall be in writing and accompanied by a copy of the notice appealed against.

(2) Any such petition may be presented to the Cantonment Authority ; and that authority shall be bound to forward it to the Agent to the Governor in Kathiawar and may attach thereto any report which it may desire to make in explanation of the notice appealed against.

(3) If any such petition is presented direct to the Agent to the Governor in Kathiawar, and an immediate order on the petition is not necessary, the Agent to the Governor in Kathiawar may refer the petition to the Cantonment Authority for report.

18. The decision of the Agent to the Governor in Kathiawar on any such appeal shall be final : provided that no appeal shall be decided until the appellant has been heard or has had a reasonable opportunity of being heard.

19. Where an appeal from a notice has been presented within the period prescribed by rule 16 (2), all action on such notice shall, on the application of the appellant, be held in abeyance pending the decision of the appeal.

20. Where any building, wall or structure or any thing affixed thereto, or any bank or tree is, in the opinion of the Cantonment Authority, in a ruinous state or in any way dangerous, either, in the case of an occupied building, to the occupier or to the public, the Cantonment Authority may by notice in writing require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made as it may think necessary for the safety of the occupier or of the public ; and, if there is, in the opinion of the Cantonment Authority, imminent danger, it shall forthwith take such steps to avert the danger as it may think necessary.

21. (1) Whoever fails to comply with any such notice or otherwise commits a breach of any of the provisions thereof, shall be punishable with a fine which may extend to fifty rupees and, in the case of continuing breach, to an additional fine not exceeding five rupees per every day after the first in regard to which he is convicted of having persisted in the breach.

(2) In lieu of or in addition to any fine imposed under these rules, the Cantonment Authority may require the offender to remedy, so far as it may be in his power to do so, any mischief in respect of which the fine is imposed.

[*Bombay Government Gazette*, 1912, Pt. I, p. 488.]

*No. 6493, dated the 28th August 1912.*—In exercise of the powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, delegated by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2859-I. A., dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following rules for the Civil Station of Rájkot in Káthiáwár :—

Rajkot Civil Station  
Market Rules, 1912.

1. These rules shall apply to the Rajkot Civil Station and may be called  
the Rajkot Civil Station Market Rules, 1912.

Extent and short title.

2. The Deputy Assistant Political Agent, Hálár Pránt, herein referred  
to as "the said authority,"

Authority under the rules.

shall by virtue of his office be the authority for the purpose of these rules and shall act under the general or special orders of the Political Agent of the said Pránt, subject to the general control of the Agent to the Governor, Káthiáwár.

3. No person shall use or permit to be used as a market for the sale of  
fruit, vegetables or meat intended for human food any place  
other than a market established or maintained for such purpose  
by the said authority.

Markets.

4. No person shall use or permit to be used as a slaughter-house any  
place other than a place established or maintained for such  
purpose by the said authority ; and, except with the special permission of the said authority, no person shall slaughter any four-footed animal in any other place.

Slaughter-houses.

5. No person shall sell or expose for sale any article in any market  
established or maintained by the said authority and no person shall slaughter any animal in any slaughter-house so established or maintained, except under and in accordance with the conditions of a license granted to such person in this behalf by the said authority.

Sellers in markets and butchers in slaughter-houses to be licensed.

6. No person shall sell or expose for sale any fruit, vegetables or meat  
intended for human food in any place other than a market established or maintained by the said authority except under and in accordance with the

License required for sale of certain articles in places other than markets.

<sup>1</sup> Printed in Appendix III.

conditions of a license granted in this behalf to such person by the said authority.

7. (1) No animal shall be slaughtered in any slaughter-house established or maintained by the said

Inspection of animals and meat at slaughter-houses. Meat not slaughtered in Station slaughter-houses not to be sold.

authority unless such animal has been inspected and certified as apparently fit for

human food by the person appointed in this behalf by the said authority.

- (2) No portion of any animal so slaughtered shall be sold for human food unless the same has been inspected and certified to be fit for human food by the person so appointed in this behalf.

- (3) Except with the special permission of the said authority, no person shall sell or expose for sale for human food the flesh of any four-footed animal which has not been slaughtered at a slaughter-house established or maintained by the said authority.

8. No person shall sell or expose for sale any fruit, vegetables, animal, meat or fish intended for

Certain articles not to be sold if unfit for food.

human food, which is not in a sound and wholesome condition and fit for human food.

9. No person shall manufacture any aerated water or ice except under and in accordance with the

License required for manufacture of aerated water and ice.

conditions of a license granted in this behalf by the said authority.

10. No person shall use or have in his possession in any place used

False weights and measures.

for the sale of articles of human food any false or defective weights or measures or any weights or measures by which

the public may be defrauded.

11. (1) All markets and slaughter-houses established or maintained by the said authority shall be

Control of markets and slaughter-houses; rents and fees.

under the regulation and control of the said authority, and

all persons resorting to the same, whether for the purpose of buying or selling or for any other purpose, shall observe all reasonable orders and directions made or issued by the said authority for the proper management of the same.



- (2) It shall be lawful for the said authority to charge fees or rents for the use of stalls or other places in such markets and slaughter-houses and for licenses and permissions granted under these rules.
- (3) It shall be lawful for the said authority to appoint a person for the weighing of grain and other articles brought for sale to any market established under these rules and to prescribe the conditions subject to which such person shall perform such duty.

12. The said authority and any person duly authorized by the same may at all reasonable times

Inspection.

enter any place in which there may be reason to suspect the commission of any breach of these rules with respect to the slaughtering of animals or sale of food or weights and measures, and may inspect any article exposed or offered for sale or sold for human food, and may seize any animal or article with respect to which there is reason to believe that a breach of these rules has been committed. Any article or animal seized under this rule shall at once be taken before a magistrate who shall dispose of the same in the manner hereinafter mentioned.

13. Any person committing a breach of any of these rules or of any

condition of a license or permission granted under these

rules, shall be liable on conviction by a magistrate to a fine not exceeding R25 or in the case of a second or any subsequent such breach, to a fine not exceeding Rs. 100.

14. Where any animal or article to which these rules apply has been

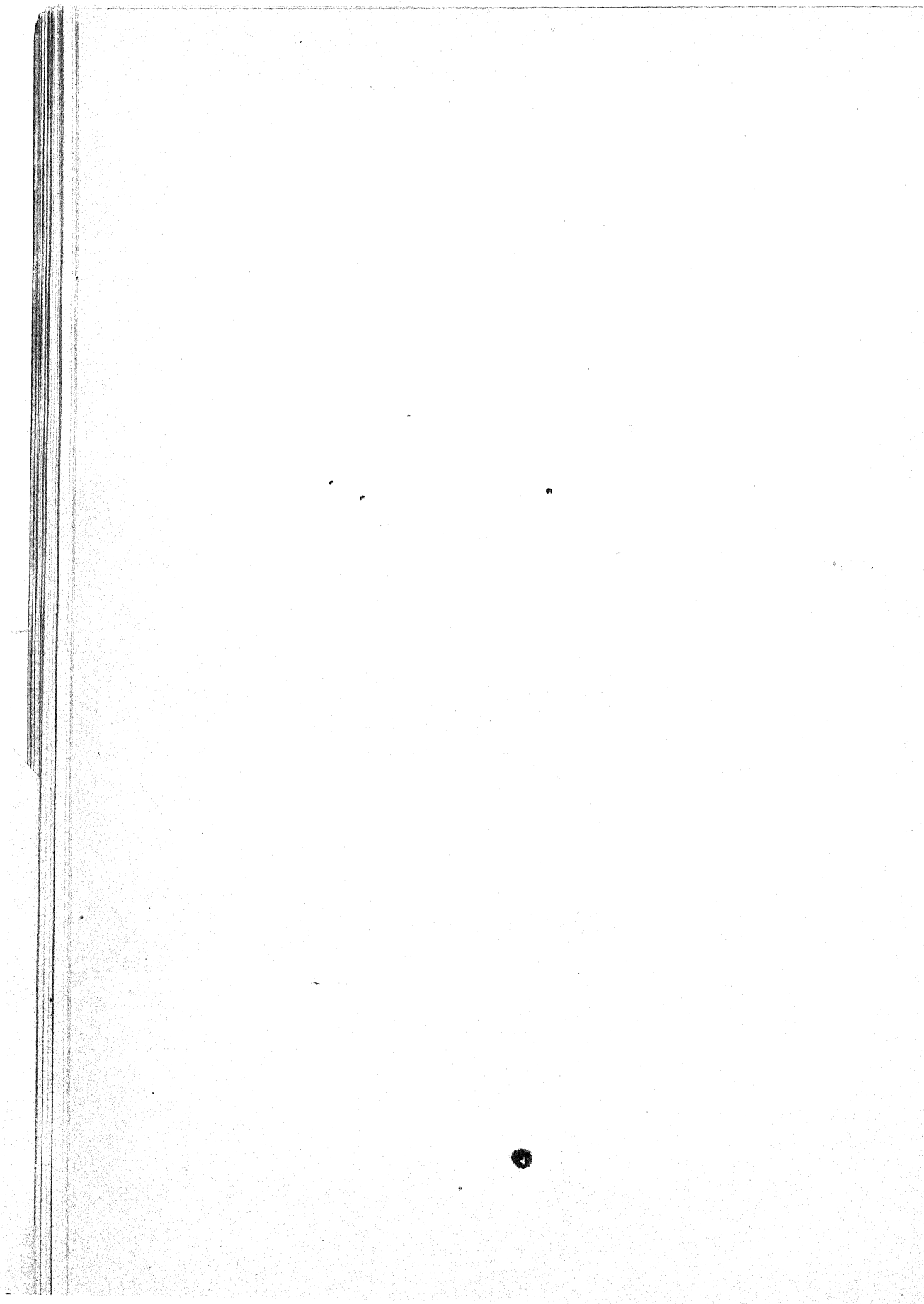
seized and brought before a magistrate, if the magistrate

after such enquiry as may be necessary finds that such animal or article is in an unsound or unwholesome condition and unfit for human food, he may order the same to be destroyed or otherwise to be disposed of as may appear proper.

15. No suit shall lie against any person for anything done, or in good faith purporting to be done,

Suits barred.

under these rules.



WADHWAN CIVIL STATION.<sup>1</sup>

The

- I.—Statutes,
- II.—Acts of the Governor-General in Council,
- III.—Orders under Statutes,
- IV.—Orders under Acts of the Governor-General in Council,
- V.—Orders relating to Courts, and
- VI.—Special Laws

cited above <sup>2</sup> as in force in Kathiawar operate also in Wadhwan Civil Station, with the exception of the orders cited under the Indian Extradition Act, 1903.

The following are also in force :—

## Local Laws.

No. 607, dated the 24th January 1889.—Not re-printed.

Wadhwan Cotton  
Market Rules.

[*Resolution of the Bombay Government.*]

No. 822, dated the 4th February 1890.—Not re-printed.

Conveyance tax and  
tolls.

[*Resolution of the Bombay Government.*]

No. 35, dated the 27th April 1897.—Not re-printed.

Octroi rules and  
duties.

[*Kathiawar Agency Gazette*, 1897, p. 134.]

No. 55, dated the 14th July 1899.—Not re-printed.

Conservancy Rules.

[*Kathiawar Agency Gazette*, 1899, p. 221.]

No. 354-I. A., dated the 25th January 1901.—Whereas the imposition and levy of certain duties on cotton goods produced in mills in British India, under the Cotton Duties Act, 1896 (II of 1896), renders it expedient to impose and levy similar duties on all cotton goods produced in any mill which has been, or may hereafter be, established in the Civil Station of Wadhwan : In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),<sup>3</sup> and all other powers

Wadhwan Cotton  
Duties Law, 1900.

<sup>1</sup> For the assignment of Wadhwan Civil Station see *Treaties*, Vol. VI, 4th Ed., pp. 223—229.

<sup>2</sup> See pp. 47 to 58 and 177 to 330 *supra*.

<sup>3</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

enabling him in this behalf, the Governor-General in Council is pleased to make the following law :—

#### PRELIMINARY.

Title, extent and commencement.

1. (1) This law may be called the Cotton Duties Law, 1900.

(2) It extends to the Wadhwan Civil Station, and

(3) It shall come into force at once.

Definitions.

2. In this law, unless there be something repugnant in the subject or context :

(1) " Cotton yarn " or " yarn " means yarn wholly or partly composed of cotton fibres.

(2) " Cotton goods " or " goods " include all tissues and other articles (except yarn and thread) woven, knitted or otherwise manufactured wholly or partly from cotton yarn ;

(3) " Mill " means any building or place where cotton goods are woven, knitted or otherwise manufactured by machinery moved otherwise than by manual labour, and includes every part of such building or place ; and

(4) " Warehouse " means a place licensed for the storage of goods under this law ;

(5) " Political Agent " means the chief political authority in Kathiawar and " Assistant Political Agent " means the Political Officer in charge of the division in which the Wadhwan Civil Station is situated.

#### DUTY.

3. There shall be levied and collected at every mill to which this law applies upon all cotton goods produced in such mill, a duty at the rate of  $3\frac{1}{2}$  per centum on the value of such goods.

*Explanation.*—Goods are said to be produced within the meaning of this section when they are issued out of the premises of the mill. But, in the case of any mill in which the goods are chiefly or largely made up and sold otherwise than as piece-goods, the Governor of Bombay in Council may direct that goods shall be reckoned as produced when they are issued out of the weaving section or sections of the mill.

4. (1) The Governor of Bombay in Council may from time to time, by notification in the *Kathiawar Agency Gazette*, fix, for the purpose of levying the said duties, tariff values of all such goods as aforesaid or

Powers to fix tariff values of such goods.

of any particular description or descriptions thereof, and alter any tariff value for the time being in force.

(2) Such tariff value shall, for the purposes of this law, be deemed to be the "real value" of the goods to which it applies, but, save as aforesaid, all goods shall be assessed under this law at their real value.

(3) For the purposes of this law, the real value shall be deemed to be—

(a) the wholesale cash price, less trade discount for which goods of the like kind and quality are sold or are capable of being sold at the time and place of production, without any abatement or deduction whatever, except of the amount of the duties payable on the production thereof ;

(b) where such price is not ascertainable, the cost at which goods of the like kind and quality could be delivered at such place, without any abatement or deduction, except as aforesaid.

5. (1) The owner of every mill shall prepare and deliver, or cause to be prepared and delivered, to the Assistant Political Agent each month a return of all the cotton goods produced at his mill during the preceding month ; and shall subscribe a declaration of the truth of such return at the foot thereof.

Delivery of monthly returns of  
goods produced by mill-owners.

(2) Unless otherwise prescribed by any rules under this law, every such return shall state for each description of goods the quantity produced during the period to which the return relates and the real value of such goods.

(3) Every such return shall also contain such further information and be in such form and be subject to such conditions as to verification and otherwise as may be prescribed by any rules under this law.

(4) Each return shall be delivered to the Assistant Political Agent or posted to his address within three working days, and at most within ten days, of the period to which it relates ; and the first of such returns shall be made for the month following that in which the law may be introduced, and shall include all goods produced since the commencement of this law.

*Explanation.*—"Working day" in this sub-section means every day except such as the Political Agent may from time to time declare, by general or special notification in the *Kathiawar Agency Gazette*, to be a public holiday.

6. (1) The Assistant Political Agent shall assess the duties payable in respect of the period to which the return relates, and, unless the amount thereof is immediately tendered, shall cause a notice, in such form as may be prescribed by any rules under this law, to be served on

Assessment of duty and notice  
requiring payment.

the owner requiring him to make payment of the amount assessed within ten days of the date of service of the said notice.

(2) A notice under sub-section (1) may be served on the owner of a mill by delivering or tendering to him or his agent at his ordinary place of business a copy of the notice, or, if this cannot be conveniently done, by fixing a copy of the notice on one of the outer doors of the mill.

7. (1) If any duty payable under this law is not paid within the time fixed by any such notice as aforesaid for the payment thereof, the Assistant Political Agent may, in lieu thereof, recover any sum not exceeding double the amount of duty so unpaid, which he shall, in his discretion, think it reasonable to require.

(2) All sums recoverable under sub-section (1) may be recovered by the attachment and sale of any property of the defaulter.

#### WAREHOUSING.

8. (1) The Political Agent may from time to time license any room or place as a warehouse for the storage of cotton goods, and for the purposes of this law every such room or place shall be deemed to be a warehouse.

Licensing of warehouse for storage of goods and fees for same.

(2) There shall be payable in respect of every such warehouse such and the like licensing fees and other payments as may for the time being be payable in British India, with respect to a private warehouse licensed under the Sea Customs Act, 1878.

Provided that the Political Agent may remit the whole or any part of such fees or other payments in respect of any particular warehouse.

9. (1) The owner of any mill may apply for leave to deposit in a warehouse any goods in respect of which duty has become leviable under section 3, but has not yet been assessed under section 6.

Permission to deposit goods in warehouse.

(2) Such application shall be in writing signed by the applicant, and shall be in such form as may be prescribed by the Political Agent.

10. When any goods have been deposited in a warehouse, the quantity and particulars thereof shall be specified as so deposited in the return made under section 5 for the period in which the goods were produced, or in a separate return for that same period, and the said goods shall be deducted in the assessment and collection of duty.

Exemption from assessment of goods deposited.

## INSPECTION.

11. (1) The Assistant Political Agent, or any officer duly appointed by the Political Agent in that behalf, shall have free access at all reasonable times during working hours to any mill and, subject to any order of the Political Agent in this behalf, to any part of any mill.

Power to Assistant Political Agent to inspect mills and take copies of records and accounts.

(2) Any such officer may at any time, with or without notice to the owner, examine the working records, sale records and accounts of any mill, and take copies of, or extracts from, all or any of the said records or accounts, for the purpose of testing the accuracy of any return, or of informing himself as to any particulars regarding which information is required for the purpose of this law or any rules thereunder.

(3) Any mill-owner may object to submitting to any officer under the rank of an Assistant Political Agent any record or account containing the description or formulæ of any trade process.

But if he objects to the inspection of any record or account by such an officer on the ground of its containing such description or formulæ, he must submit his objection in writing to the officer for transmission to the Assistant Political Agent, and the officer may then and there seal up the record or account pending the orders of the Assistant Political Agent.

12. (1) All such copies and extracts and all other information acquired by any such officer on the inspection of any mill or warehouse shall be regarded as strictly confidential, and shall be deemed to be official secrets.

Information acquired to be deemed official secrets.

(2) If any such officer under the rank of an Assistant Political Agent shall disclose to any person other than a superior officer any such official secret as aforesaid without the previous consent in writing of the Political Agent, he shall be guilty of a breach of official trust, and shall, upon conviction thereof, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

## OFFENCES AND PENALTIES.

13. The offences mentioned in the first column of the following schedule shall be punishable to the extent mentioned in the second column thereof with reference to such offences, respectively :—

1. Contravening any rule made under this law.	Penalty not exceeding five hundred rupees.
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2. Concealing or attempting to conceal, or knowingly permitting or procuring to be concealed, any goods liable to duty under this law with intent to evade payment of the duty or any part thereof. Such goods shall be liable to confiscation, and every person convicted of the offence shall be liable to a penalty not exceeding three times the value of the goods.

3. Omitting to make any return required by section 5 or refusing to sign or complete the same. Penalty not exceeding one thousand rupees.

4. Making and delivering any such return containing any statement not true to the best of the information and belief of the person making the same. The penalty provided in the Indian Penal Code, section 199, for making false statement in a declaration.

5. Altering or falsifying any record or book of account kept in the mill with the intention of defrauding the revenue. The penalty provided in the Indian Penal Code, section 465, for the commission of forgery.

6. Omitting without reasonable cause to keep samples as provided in section 15. A penalty for each offence not exceeding two hundred rupees.

7. Omitting to keep such proper records and books of account as may be prescribed by any rule under this law. Penalty not exceeding five hundred rupees and a further penalty of twenty rupees for every day after the date of the conviction during which the offence is continued.

8. Omitting to make and deliver any return which by any rule under this law ought to have been made and delivered. Penalty not exceeding one thousand rupees.

9. Intentionally obstructing the Assistant Political Agent or any other officer in the exercise of any powers given under this law. Imprisonment for a term not exceeding six months, or fine not exceeding one thousand rupees, or both.

10. If any goods are found concealed in any place, box or closed receptacle in any mill and are not duly accounted for to the satisfaction of the Assistant Political Agent. Such goods shall be liable to confiscation.



11. If any goods are found in any mill in excess of the quantity entered in the return or not corresponding with the statement therein contained.

12. If, when any cotton goods are passed by tale or by package, any omission or misdescription thereof tending to injure the revenue be discovered.

13. If any officer under the rank of an Assistant Political Agent appointed under section 11 does any act or is guilty of any omission in contravention of this law or of any rule or order made thereunder; or with intent to cause injury or annoyance to any person, vexatiously or unnecessarily makes use of any power conferred upon him under this law.

Magistrates having jurisdiction.

Such goods shall be liable to confiscation or to be charged with such increased duty as the Political Agent may direct.

The person guilty of such omission or misdescription shall be liable to a penalty not exceeding ten times the amount of duty which might have been lost to the revenues of the Wadhwan Civil Station by such omission or misdescription, unless it be proved to the satisfaction of the Assistant Political Agent or his Deputy Assistant that the variance was accidental.

Such officer shall be liable on conviction to a fine not exceeding 500 rupees.

14. All offences against this law may be tried summarily by the Assistant Political Agent or his Deputy Assistant.

#### MISCELLANEOUS.

15. (1) The owner of every mill shall, in the case of any goods other than those for which tariff values have been fixed under section 4, take a sample or samples of such goods at the time of manufacturing the same, and shall preserve such samples for reference for at least six months after the said goods are produced.

Samples of certain goods to be taken by millowners at times of manufacture and to be available for inspection.

(2) Such samples shall be at all times available for inspection by the Assistant Political Agent or by any officer appointed under section 11; and an examination thereof shall, if the goods themselves cannot conveniently be examined, be deemed to be an examination of the goods.

(3) The Political Agent may define by rule what shall in any specified case be sufficient sample for the purposes of this section.

16. (1) The Assistant Political Agent or any officer appointed under section 11 may at any time take samples of any goods for examination or for ascertaining the value thereof or for any other necessary purpose.

Power to take samples.

(2) The owner may, when required to deliver any sample to an officer under section 11, seal up such sample in a cover addressed to the Assistant Political Agent; and in such case the said officer shall deliver such cover intact to the Assistant Political Agent.

(3) Every sample shall, if practicable, be restored to the owner, or, at his option, sold under the orders of the Assistant Political Agent, and the proceeds accounted for to the owner.

Records and accounts to be kept by mill-owners.

17. The owner of every mill shall keep such records and books of account as may be prescribed by any rules under this law.

18. The owner of every mill or place where cotton yarn is spun by machinery moved otherwise than by manual labour shall make periodical returns to the Assistant Political Agent of the quantity and description of all such yarns, in such form, with such particulars, and at such intervals, as may be prescribed by any rule under this law.

Mill-owners to make periodical returns of cotton yarn spun by machinery.

Power to Local Government to reverse or modify orders under these rules.

19. The Governor of Bombay in Council may, on the application of any person aggrieved by any decision or order passed under this law, reverse or modify such decision or order.

20. The Governor of Bombay in Council may from time to time make rules under this law,—

- (1) prescribing the form of any return required by or under this law and the particulars to be contained therein respectively; and the manner in which the same is to be verified, and all such other conditions in respect thereof as may be necessary;
- (2) requiring returns of yarns spun;
- (3) prescribing the form of the notice to be issued by the Assistant Political Agent under section 6;
- (4) regulating the inspection of mills, and the powers and duties of the Assistant Political Agent and other officers in respect thereof;

- (5) regulating the provision of warehouses under this law, and the deposit and discharge of goods therein and therefrom, and the powers and duties of the Political Agent in respect thereof ;
  - (6) prescribing the records and books of account to be kept by owners of mills under this law ; and
  - (7) generally, for carrying into effect the provisions of this law.
- [*Gazette of India*, 1901, Pt. I, p. 56.]

No. 1948- I. A., dated the 17th May 1901.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),<sup>1</sup> and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules for the administration of the jail established in the civil station of Wadhwan and for the detention of prisoners therein, namely :—

Wadhwan Jail  
Rules, 1901.

- (1) The Wadhwan jail shall, subject to the orders of the Government of Bombay, be under the general control and superintendence of the Inspector-General of Prisons, Bombay.
- (2) The said jail shall, as regards the classes of prisoners to be detained therein and the manner of their detention, be administered as a subsidiary jail, and the rules relating to subsidiary jails of the second class for the time being in force in the Province of Bombay shall, in so far as they are suitable, be applied to the said jail :

Provided that prisoners under sentence of imprisonment for not more than two years may be detained in the said jail.

[ *Gazette of India*, 1901, Pt. I, p. 311.]

No. 6407-A., dated the 29th August 1902.—Not re-printed.<sup>2</sup>

Wadhwan Public  
Conveyances Rules,  
1902.

[ *Bombay Government Gazette*, 1902, Pt. I, p. 1512.]

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>2</sup> These Rules can be read from the Rajkot Public Conveyances Rules, 1908, printed *supra*, p. 355, by making the following changes in the latter :—

- (i) In the preamble and rule 24 for " Rajkot " read " Wadhwan."
- (ii) In rule 2 omit " or cause to be driven" and " or causing to be driven,"
- (iii) In rule 3 omit " or drive " in the first place where it occurs, and " ply or drive for hire or " in the second place where it occurs.
- (iv) In rule 7 omit the proviso.
- (v) In rule 9 omit " or attendant " in the second place where it occurs, and " or be driven " and " or ply or drive the same for hire."
- (vi) In rule 16 for " liable ... not exceeding " substitute " forfeit for every such offence."
- (vii) In rules 17, 20 and 22 for " be liable to a fine " substitute " forfeit a sum."
- (viii) In rule 18 omit " or driving " and " and attendant."
- (ix) In rule 33 for " those " substitute " that."



**JETALSAR AND SONGAD CIVIL STATIONS.**

The British enactments which operate in the Civil Stations of Jetalsar and Songad are those cited<sup>1</sup> above as in force in Kathiawar.

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<sup>1</sup> See pp. 47 to 58 and 177 to 330, *supra*.



## KOLHAPUR CIVIL STATION.

The following British enactments are in force in the Civil Station of Kolhapur :—

**I.—Statutes.**—See Appendix I.

**II.—Acts of the Governor-General in Council.**—See Appendix II.

**III.—Orders under Statutes.**

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV.

28 Vict. c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—Printed in 53 and 54 Vict. c. 37. Appendix III.

**IV.—Orders under Acts of the Governor-General in Council.**

*No. 33-Eccl., dated the 30th June 1906.*—Printed in Appendix V.

Indian Christian Marriage Act, 1872.  
Appointment of Marriage Registrar with instructions for disposal of certificates.

*No.—Eccl., dated the { 9th April 1873 } —Not re-printed.*  
*{ 7th October 1874 }*

Fees and Rules.

[ *Bombay Government Gazette*  $\frac{1873}{1874}$ , Pt. I, p.  $\frac{337}{820}$ . ]

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

Indian Arms Act, 1878.

Exemption of certain persons from certain prohibitions and directions contained in the Act.

Rules regarding the export of arms and ammunition from, and their import into, British India.

*No. 4124, dated the 2nd December 1902.*—Printed in Appendix VII.

Indian Income Tax Act, 1886.

Resident, Kolhapur, invested with certain powers of a Collector under the Act.

*No. 4227-I., dated the 31st October 1889.*—Printed in Appendix VIII.

Births, Deaths and Marriages Registration Act, 1886.

Assistant Resident, Kolhapur, appointed Registrar of Births and Deaths, and the Registrar-General for Bombay appointed Registrar-General.

Rules and fees.

*No. 1173, dated the 19th July 1888.*—Printed in Appendix VIII.

Indian Foreign  
Marriage Act, 1903.

Fees and Rules.

Indian Universities  
Act, 1904.

Inclusion of Kolha-  
pur in the territorial  
limits of the Bombay  
University.

Code of Civil Proce-  
dure, 1908.

Authority to sanc-  
tion institution  
of suits and  
execution of decrees  
against Chiefs of  
States in Bombay.

Administrator  
Generals Act, 1874.

Inclusion of Kolha-  
pur States in Presi-  
dency of Bombay for  
purposes of the Act.

Exercise of the  
powers and duties of  
a District Judge  
under the Act.

*No. 341, dated the 11th August 1904.*—Printed *supra*, page 4.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

*No. 1503 I., dated the 8th May 1896.*—Printed in Appendix XI.

*No. 855-I.B., dated the 16th April 1913.*—Printed in Appendix VI.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.



## V.—Acts locally applied.

*No. 4803-1, dated the 9th November, 1887.*—Whereas the Governor General in Council has power and jurisdiction, within the Residency of Kolhapur and the land situated within the limits specified and described in the subjoined schedule<sup>1</sup>, and forming the Civil Station of Kholapur : In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879<sup>2</sup>, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders :—

## PART I.

<sup>3</sup>(a) The provisions of the following Acts as for the time being in force in the Presidency of Bombay shall so far as they may be applicable apply to the Residency and Civil Station of Kolhapur, namely :—

(3) *Acts of the Governor-General in Council.*

The Judicial Officers' Protection Act, 1860 (XVIII of 1860).

The Indian Penal Code, 1860 (XLV of 1860).

The Indian Divorce Act (IV of 1869).

The Court-fees Act, 1870 (VII of 1870).

The Cattle-trespass Act, 1871 (I of 1871).

The Indian Evidence Act, 1872 (I of 1872).

The Indian Contract Act, 1872 (IX of 1872).

The Indian Christian Marriage Act, 1872 (XV of 1872).

The European Vagrancy Act, 1874 (IX of 1874).

The Indian Treasure Trove Act, 1878 (VI of 1878).

The Indian Arms Act, 1878 (XI of 1878).

The Indian Explosives Act, 1884 (IV of 1884).

The Indian Telegraph Act, 1885 (XIII of 1885).

The Provincial Small Cause Courts Act, 1887 (IX of 1887).

The Guardians and Wards Act, 1890 (VIII of 1890).

The Land Acquisition Act, 1894 (I of 1894).

The General Clauses Act, 1897 (X of 1897).

The Indian Post Office Act, 1898 (VI of 1898).

The Indian Stamp Act, 1899 (II of 1899).

The Indian Extradition Act, 1903 (XV of 1903).

The Provincial Insolvency Act, 1907 (III of 1907).

The Code of Civil Procedure, 1908 (V of 1908).

The Explosive Substances Act, 1908 (VI of 1908).

<sup>1</sup> Not-reprinted.

<sup>2</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>3</sup> Substituted by notification No. 3215, dated the 24th May 1910. *Bombay Government Gazette*, 1910, Pt. I, p. 748.

The Newspapers (Incitements to Offices) Act 1908 (VII of 1908).

The Indian Limitation Act, 1908 (IX of 1908).

The Indian Registration Act, 1908 (XVI of 1908).

The Whipping Act, 1909 (IV of 1909).

(II) *Acts of the Governor of Bombay in Council.*

Bombay Act II of 1874 (Jails).

The Bombay Abkari Act, 1878 (V of 1878).

The Bombay Land Revenue Code, 1879 (V of 1879).

The Bombay District Police Act, 1890 (IV of 1890).

(b) The notification No. 2923-I., dated the 28th August 1885<sup>1</sup> extending the Opium Act (Act I of 1878) to the Cantonment of Kolhapur, shall be deemed to apply to the Residency and Civil Station of Kolhapur, and all references in the Act, as modified by the aforesaid notification, to the "Cantonment of Kolhapur" or the "Cantonment Magistrate" shall be read as if for those words were substituted the words "Residency and Civil Station of Kolhapur" and "Assistant Political Agent of Kolhapur," respectively.

\* \* \* \* \*

[*Gazette of India*, 1887, Pt. I, p. 583].

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<sup>1</sup> No. 2923-I., dated the 28th August. 1885.—The Governor General in Council is pleased to extend the Opium Act (I of 1878) to the Cantonment of Kolhapur, subject to the following modifications namely :—

- (1) The second and third paragraphs of section 1 ; the definition of "Magistrate" in section 3 ; in section 7 the words "relating to places in the territories to which such order refers ;" in section 12 the words "by the Collector of the District or Deputy Commissioner, or," and the words "other" ; in section 22 the words "by whom the case is to be disposed of" and the proviso ; in section 24 the words "Collector of the District, Deputy Commissioner or other," the words "Collector, Deputy Commissioner, or other," and the words "Collector, or Deputy Collector or other" ; and the schedule shall be omitted :
- (2) for the words "a Magistrate," "the Magistrate," and "the convicting Magistrate" wherever they occur, the words "the Cantonment Magistrate" shall be substituted :
- (3) for the words "the Local Government," and "any Local Government," wherever they occur, the words "the Governor of Bombay in Council" shall be substituted.
- (4) for section 2 the following section shall be substituted, namely :—  

"2. Act XVIII of 1853 (*an Act for regulating the sale of spiritus liquors, etc., in Cantonments*) is repealed, so far as it relates to opium."
- (5) for the definitions of "import," "export," and "transport" in section 3, the following definitions shall be substituted, namely :—  

"import" means to bring into the Cantonment of Kolhapur ; "export" means to take out of the Cantonment of Kolhapur ; "transport, means to remove from one place to another within the Cantonment of Kolhapur."
- (6) in the proviso to section 5 after the words "the law relating to sea-customs for the time being in force," the words "in British India" shall be inserted :

No. 1415-I., dated the 30th April 1890.—Printed in Appendix XIV.

No. 445-I.A., dated the 4th February 1897.—Printed in Appendix XVI.

No. 2690-A., dated the 7th October, 1898.—Whereas the Governor-General in Council has power and jurisdiction within the Residency and Civil Station of Kolhapur.

Application of the  
Revenue Recovery  
Act, 1890.  
Application of the  
Epidemic Diseases  
Act, 1897.  
Application of the  
Code of Criminal  
Procedure, 1893.

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)<sup>1</sup>, and of all other powers enabling him in this behalf, and in modification of the

notification of the Government of India No. 4803-I., dated the 9th November 1887. in the Foreign Department cited in the margin, the Governor-General in Council is pleased to apply to the said local areas the provisions, so far as they may be applicable, of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided that all references to the Code of Criminal Procedure of 1882 in the said notifications, or in any other notification of the Government of India in the Foreign Department for the time being in force in the said local areas, shall be construed as referring to the corresponding provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), and that the latter Code, as now applied, shall be subject to the provisions of the said notifications so construed.

[*Gazette of India*, 1898, Pt. I, p. 1021.]

- (7) in section 6, for the words "by land into British India, or into any special part thereof," the words "into the Cantonment of Kolhapur" shall be substituted:
- (8) in section 5, for the words "the whole or any specified part of the territories administered by such Government"; in section 7, clause (a), for the words "the territories administered by such Local Government," and in section 7, clause (c), for the words "the territories administered by such Government or into any specified part thereof," respectively, the words "the Cantonment of Kolhapur," shall be substituted:
- (9) in sections 16 and 19, for the words "Code of Criminal Procedure," the words "the law relating to Criminal Procedure for the time being in force in British India" shall be substituted:
- (10) in section 19, for the words "the Collector of the District, Deputy Commissioner or other," the word "any" shall be substituted:
- (11) for section 25 the following shall be substituted:—  
"25. When any person, in compliance with any rule made hereunder, gives a bond the whole sum mentioned therein may, upon the breach of any condition thereof, be recovered from him as if it were an arrear of land-revenue:"
- (12) after section 25 the following section shall be added, namely:—  
"26. Any sum recoverable as an arrear of land-revenue under section 23 or section 25 may be so recovered by the Cantonment Magistrate under the provisions, so far as they can be made applicable, of the Bombay Land-revenue Code, 1879."

[*Gazette of India*, 1885, Pt. I p. 520.]

<sup>1</sup>See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

## VI.—Orders relating to Courts.

Execution of capital sentences in British India.

*No. 1431-I., dated the 27th April 1893.*—Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 1863-I.A., dated the 13th May 1904.*—Printed in Appendix IV.

High Court at Bombay to exercise jurisdiction over European British subjects.

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV.

Justices of the Peace to commit to the High Court at Bombay.

*No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

*No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV.

Appointment of Justices of the Peace.

*No. 2223-I., dated the 29th June 1886.*  
*No. 1994-I., dated the 11th May 1891.* } —Printed in Appendix IV.

Constitution of Civil and Criminal Courts.

*No. 4803-I., dated the 9th November 1887.*—Whereas the Governor-General in Council has power and jurisdiction within the Residency of Kolhapur and the land situated within the limits specified and described in the subjoined schedule<sup>1</sup> and forming the Civil Station of Kolhapur: In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879<sup>2</sup>, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders:—

\* \* \* \* \*

## PART II.

For the purposes of the exercise of criminal jurisdiction within the said Residency and Civil Station of Kolhapur—

- (1) the Political Agent at Kolhapur, for the time being, shall exercise the powers of a District Magistrate and a Court of Session, as described in the Code of Criminal Procedure, 1898<sup>4</sup>;

<sup>1</sup> Not re-printed.

<sup>2</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>3</sup> Printed *supra*, p. 389.

<sup>4</sup> See notification No. 2690-I.A., dated the 7th October 1898, *supra*, p. 391.

- (2) every<sup>1</sup> Assistant Political Agent at Kolhapur, for the time being shall exercise the powers of a Magistrate of the 1st class, as described in the Code of Criminal Procedure, 1898<sup>2</sup>;
- (3) the Governor of Bombay in Council shall exercise the powers of a Court of Session and High Court, as described in the Code of Criminal Procedure, 1898,<sup>2</sup> in respect of all offences over which magisterial jurisdiction is exercised by the Political Agent, or an<sup>1</sup> Assistant Political Agent: provided that neither the Political Agent nor an<sup>1</sup> Assistant Political Agent shall commit any accused person for trial to the Governor of Bombay in Council acting as a Court of Session;
- (4) the Governor of Bombay in Council shall exercise the jurisdiction of a High Court, as described in the Code of Criminal Procedure, 1898,<sup>2</sup> in respect of all offences over which the jurisdiction of a Court of Session is exercised by the Political Agent.
- (5) In the exercise of the jurisdiction of a Court of Session, conferred on him by this notification, the Political Agent may take cognizance of any offence, as a Court of original criminal jurisdiction, without the accused person being committed to him by a Magistrate, and shall, when taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898,<sup>2</sup> for the trial of warrant cases by Magistrates.
- (6) This part of this notification applies to all proceedings, except—
  - (a) proceedings against European-British subjects or persons jointly charged with European-British subjects; and
  - (b) proceedings pending at the date of this notification, which shall be carried on as if this notification had not been issued.

### PART III.

For the purposes of the exercise of civil jurisdiction within the said Residency and Civil Station of Kolhapur—

- (1) the Political Agent of Kolhapur, for the time being, shall exercise the powers of a District Court, as described in the Code of Civil Procedure, for hearing original suits, whatever be the amount or value of the subject-matter;

<sup>1</sup> Substituted by notification No. 2406, dated the 11th April 1904. *Bombay Government Gazette*, 1904, Pt. I, p. 432.

<sup>2</sup> See notification No. 2690-I. A., dated the 7th October 1898, *supra*, p. 391.

- (2) the Political Agent of Kolhapur, for the time being, shall exercise the powers of a Judge of a Court of Small Causes, as described in Act IX of 1887 ;
- (3) appeals from the decrees and orders of the Political Agent shall, when they are allowed by law, lie to the Governor of Bombay in Council, who shall be deemed to be the High Court.

*Schedule.*

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[*Gazette of India*, 1887, Pt. I, p. 588.]

*No. 787-I.B., dated the 9th April 1913.*—Printed in Appendix XII A.

Courts in British India empowered to send summonses and decrees to the Civil Courts of Kolhapur Civil Station for service and execution.

Service by the Civil Courts of Kolhapur Civil Station of summonses—

(a) of Civil or Revenue Courts in British India ;

(b) of other<sup>1</sup> Courts established or continued by the Governor-General in Council ;

(c) of Civil or Revenue Courts of Baroda, Hyderabad, Mysore, Central India States, and States in Bombay.

*No. 1366-I., dated the 29th March 1889.*

*No. 1367-I., dated the 29th March 1889.*

*No. 397-I. B., dated the 25th February 1910.*

*No. 1368-I., dated the 29th March 1889.*

*No. 2182-I., dated the 2nd July 1890.*

} Printed in Appendix XII A.

Execution by the Civil<sup>1</sup> Courts of Kolhapur Civil Station of decrees—

(a) of other<sup>1</sup> Courts established or continued by the Governor-General in Council ;

(b) of certain Courts of Baroda, Mysore, and States in Bombay.

*No. 1363-I., dated the 29th March 1889.*

*No. 399-I.B., dated the 25th February 1910.*

*No. 1364-I., dated the 29th March 1889.*

*No. 4051-I.A., dated the 18th September 1902.*

} Printed in Appendix XII A.

<sup>1</sup> For lists of such Courts see notifications Nos. 785, 787 and 788-I.B., dated the 9th April 1913. Printed in Appendix XII A.

Service of summonses of Civil Courts of Kolhapur Civil Station.<sup>1</sup>—

*No. 1367-I., dated the 29th March 1889.*—Printed in Appendix XXI A.

(a) by other<sup>2</sup> Courts established or continued by the Governor-General in Council ;

*No. 398-I.B., dated the 25th February 1910.*  
*No. 2622-I.B., dated the 24th December 1912.* } —Printed in Appendix XII C.

(b) by Civil Courts of the Baroda and Mysore States.

Execution of decrees of Civil Courts of Kolhapur Civil Station<sup>1</sup>.—

*No. 1363-I., dated the 29th March 1889.*—Printed in Appendix XII A.

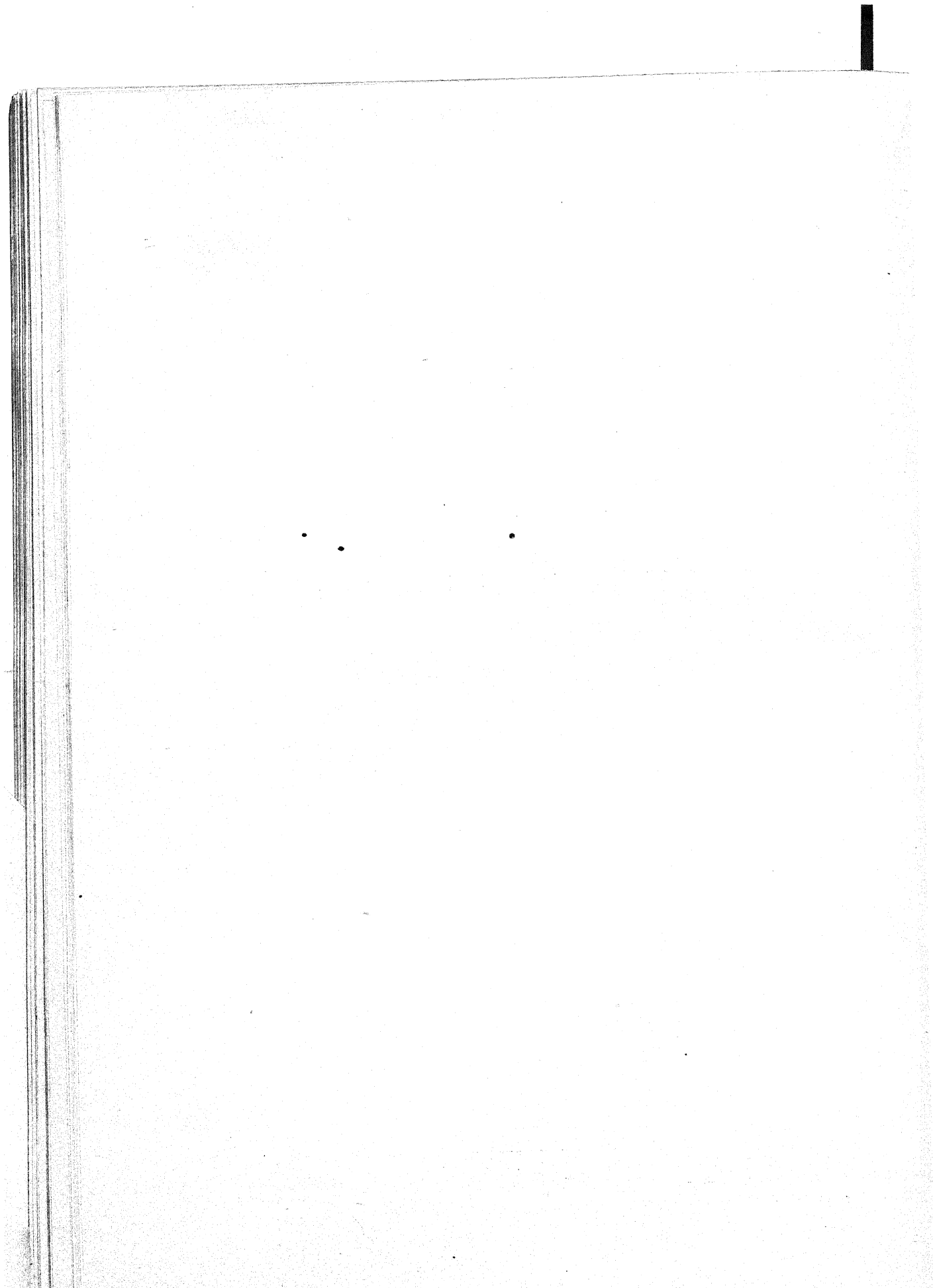
(a) by other<sup>2</sup> Courts established or continued by the Governor-General in Council.

*No. 2623-I.B., dated the 24th December 1912.*—Printed in Appendix XII C.

(b) Civil Courts of the Baroda and Mysore States.

<sup>1</sup> These Courts may send their summonses and decrees to Courts in British India for service and execution, *see* sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908).

<sup>2</sup> *See* footnote <sup>1</sup> on previous page.





## CHAPTER V.

**BOMBAY-ADEN PROTECTORATE.**

The Aden Protectorate, of which the Resident at Aden is in political charge, comprises the country lying south to the sea from a line drawn from Ras Turba, on the south-western point of the Arabian peninsula, north-east into the desert, and includes the Hadthramant, and the territories of the Amir of Dthali and of the following tribes, *viz.*, the Abdali, Subaihi, Akrabi, Fadthli, Haushabi, Aulaki, Yafai, Alawi, Wahidi, Kathiri, Kayti (including Shehr and Mokala) and Mahri (Kishn), together with the district of Behar al Kasab and the island of Sokotra.

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### ADEN PROTECTORATE.

The following British enactments are in force in the Aden Protectorate:—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Regulations made by the Governor-General in Council.—

<sup>1</sup> The Aden Arms (Sea Traffic) Regulation, 1910.

Regulation III of 1910.

IV.—Orders under Statutes.

No. 1664-P., dated the 13th July 1877.—Printed Vol. I, page 3.

39 and 40 Vict. c. 46.

The Indian (Foreign Jurisdiction) Order in Council 1902.—Printed in

53 and 54 Vict. c. 37.

Appendix III.

V.—Orders under Acts of the Governor-General in Council.

Sea Customs Act, 1878.

No. 4902-62, dated the 7th June 1907.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878) the Governor-General in Council is pleased to prohibit the bringing by sea or by land into Aden of any goods specified in the annexed schedule, except such as are imported under cover of an export pass-note issued in respect of them by an officer of customs at the place of export.

Prohibition of import into Aden of certain goods not covered by export passes.

#### *Schedule.*

1. Ostrich eggs.

2. Heads, horns, skins, feathers or flesh of any of the undermentioned animals :—

- |                       |                                    |                                    |
|-----------------------|------------------------------------|------------------------------------|
| (1) Zebra.            | (10) Owl.                          | (16) Aard-wolf.                    |
| (2) Giraffe.          | (11) Rhinoceros-bird or            | (17) Smaller monkeys of            |
| (3) Eland.            | beef-eater ( <i>Buphaga</i> ),     | each species.                      |
| (4) White-tailed gnu. | any species.                       | (18) Marabouts.                    |
| (5) Wild ass.         | (12) * * 2.                        | (19) Egret.                        |
| (6) Buffalo.          | (13) Rhinoceros.                   | (20) Wild pig.                     |
| (7) Elephant.         | (14) All Antelopes and             | (21) Smaller cats.                 |
| (8) Vulture.          | Gazelles.                          | (22) Wart hog ( <i>P h a c o -</i> |
| (9) Secretary-Bird.   | (15) Cheeta ( <i>Cynoclorus</i> ). | chams).                            |
|                       |                                    | (23) Greater Bustard.              |

[*Gazette of India*, 1907, Pt. I, p. 451.]

Indian Arms Act, 1878.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

Exemption of certain persons from certain prohibitions and directions contained in the Act.

(The Indian Arms Rules, 1909.)

Rules regarding the export of arms and ammunition from and their import into British India.

<sup>1</sup> Places restrictions on the sea-traffic in arms, ammunition, military stores and explosives, between Aden and places in the Gulf of Aden, including Ports in the Aden Protectorate. Published in the *Gazette of India*, 1910, Pt. I, p. 485.

<sup>2</sup> Omitted by notification No. 3596-54, dated the 20th May 1909. *Gazette of India*, 1909, Pt. I, p. 393.

## VI.—Acts locally applied.

*No. 368-E.B., dated the 1st February 1907.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to make the following orders :—

### PART I.

1. The provisions, so far as they can be made applicable in the circumstances for the time being, and as amended for the time being by subsequent enactments, of the enactments specified in the First Schedule to this part, are hereby applied to the Aden Protectorate, subject, in the case of the Code of Criminal Procedure, 1898 (Act V of 1898), to the modifications specified in the Second Schedule to this Part.

2. For the purpose of facilitating the application of the said enactments to the Aden Protectorate, any Court for the Aden Protectorate may construe any provision in any such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

3. No legal practitioner shall be permitted to appear in any case before any Court without the express authority in writing of the Political Resident.

### THE FIRST SCHEDULE.

Number and year.	<i>Enactments applied.</i>	Subject.
Act XLV of 1860	. . . . .	Penal Code.
Act V of 1898	. . . . .	Criminal Procedure.
Regulation IV of 1901	. . . . .	Frontier Murderous Outrages.

### THE SECOND SCHEDULE.

*Modifications in the Code of Criminal Procedure, 1898 (Act V of 1898).*

(1) *In the Code of Criminal Procedure, 1898—*

(a) The Court of Session may take cognisance of any offence as a Court of original jurisdiction without the accused person being committed to it by a Magistrate and shall, when so taking cognisance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant-cases by Magistrates.

(b) Save as hereinafter provided, no appeal shall lie from any order of any Sessions Judge.

- (c) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or the aid of assessors.
- (d) In cases under Regulation IV of 1901 no sentence of death passed by an Assistant Resident shall be carried out unless and until it is confirmed by the Political Resident.
- (e) In cases under other Acts, no sentence of death passed by any Court shall be carried out unless and until it is confirmed by the Governor of Bombay.
- (f) All sentences of imprisonment passed by an Assistant Resident for a term exceeding one year shall be submitted for confirmation to the Political Resident.

In any case in which an Assistant Resident passes a sentence of imprisonment for a term exceeding six months, an appeal shall lie to the Political Resident.

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[*Gazette of India*, 1907, Pt. I, p. 74].

## VII.—Orders relating to Courts.

Execution of capital sentences in British India.

Criminal law and procedure of British India applicable to British subjects in Native States.

Constitution of Criminal Courts

*No. 1431-I., dated the 27th April 1893.* } Printed in Appendix XIII.  
*No. 4220, dated the 3rd July 1895.* }

*No. 1863-I. A., dated the 13th May 1904.*—Printed in Appendix IV.

*No. 368-E. B., dated the 1st February 1907.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following orders :—

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\* 1

## PART II.

For the purposes of the exercise of criminal jurisdiction as regards the Aden Protectorate—

1. The Political Resident and, with the sanction of the Political Resident in writing, the Assistant Resident for the time being at Aden shall exercise the powers of District Magistrates and Sessions Judges as described in the Code of Criminal Procedure, 1898, and of Deputy Commissioners or Sessions Judges under the Frontier Murderous Outrages Regulation, 1901, as applied by this notification.

2. If in any case in which the complainant (if any) and the accused person or all the accused persons are not British subjects, the Court deems it expedient for political reasons to decline to exercise the power so conferred on it, it shall be in the discretion of the Court to do so.

3. The Political Resident and Assistant Residents for the time being at Aden are hereby appointed to be Justices of the Peace within the Aden Protectorate.

4. The High Court of Judicature at Bombay shall be the Court to which European British subjects charged with an offence punishable with death, and persons charged jointly in such cases with European British subjects, shall be committed for trial.

5. If any European British subject shall be charged in Aden with any offence (other than an offence punishable with death) which a Justice of the Peace shall not be competent to punish, and there shall be sufficient grounds for committing him for trial, such European British subject shall be committed to the Court of the Resident, and shall be tried by the Resident.

[*Gazette of India*, 1907, Pt. I., p. 74.]

<sup>1</sup> Printed *supra*, p 400

## CHAPTER VI.

## BURMA.

The feudatory<sup>1</sup> States and the foreign territory in the control of the Government of Burma consist of—

- (i) the States of Karenni, *viz.*, Kantarawadi in East Karenni and Kye bogyi, Bawlakè, Nammekon, and Naungpalè in West Karenni, and
- (ii) the Namwan Assigned Tract, which is held on a perpetual lease and is administered by the British Government, under a treaty of 1897 with China.

In the Karenni States jurisdiction over British subjects vests in the Superintendent of the Shan States. In other respects the Chief (*Sawbwa*) of Kantarawadi has full powers; but the Chiefs (*Myozas*) of Western Karenni are further required to refer to the Superintendent of the Shan States all cases against persons other than their own subjects and as regards the latter to submit sentences of death to the Superintendent for confirmation.

There are no Administered Areas in Karenni.

For the purposes of extradition to neighbouring Powers, the Deputy Commissioners of the Mergui, Tavoy, Amherst and Salween Districts and the Political Officer and Assistant Political Officer of the Southern Shan States have been invested with the powers of a Political Agent under the Extradition Act in respect of the adjoining Provinces of Siam. The Deputy Commissioner of the Bhamo District, the Superintendent of the Northern Shan States and the Assistant Political Officer of the Southern Shan States have been similarly empowered<sup>2</sup> in respect of the Prefecture of Yung Chang, with the Sub-Prefecture of Peng Yuëh, and of certain portions of the Southern Division of Yunnan, respectively, in China.

<sup>1</sup> The Shan States are British India, having been among the territories of King Thebaw which were annexed to the British dominions by the proclamation of the 1st January 1886. The system of administration by their own Chiefs has been maintained in the first instance by the Shan States Act, 1883, for the purposes of which the States were formally notified by notification No. 10, dated the 11th July 1895 (*Burma Gazette*, 1895, Pt. I, p. 262), and now by the Burma Laws Act, 1898.

<sup>2</sup> See Appendix IX.





## STATES OF KARENNI.

The following British enactments are in force :—

**I.—Statutes.**—*See* Appendix I.

**II.—Acts of the Governor-General in Council.**—*See* Appendix II.

**III.—Orders under Statutes.**

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix 53 and 54 Vict. c. 37.  
III.

**IV.—Orders under Acts of the Governor-General in Council.**

*No. 2033-I.B., dated the 26th September 1912.*—Printed in Appendix V.

*No. 1586 E., dated the 29th August 1892.*—Printed in Appendix V.

*No. 3102, dated the 16th August, 1909.*—Printed in Appendix XVII.  
(The Indian Arms Rules, 1909.)

*No. 1173, dated the 19th July 1888.*—Printed in Appendix VIII.

*No. 341, dated the 11th August 1904.*—Printed *supra* page 4.

*No. 1862-I.A., dated the 13th May 1904.*—Printed in Appendix IX.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

*No. 855-I.B., dated the 16th April 1913.*—Printed in Appendix VI.

*No. 3542, dated the 27th August 1891.*—Printed in Appendix VI.

Indian Christian  
Marriage Act, 1872.

Delegation of full  
powers under the Act  
to the Lieutenant-  
Governor of Burma.

Fees and rules.

Indian Arms Act,  
1878.

Exemption of certain  
persons from certain  
prohibitions and  
directions contained  
in the Act.

Rules regarding the  
export of arms and  
ammunition from,  
and their import  
into, British India.

Births, Deaths and  
Marriage Registra-  
tion Act, 1886.

Rules and fees.

Indian Foreign  
Marriage Act, 1903.

Fees.

Indian Extradition  
Act, 1903.

Rules.

Indian Universities  
Act, 1904.

Inclusion of States in  
Burma in the  
territorial limits of  
the Calcutta  
University.

Administrator  
General's Act, 1874.

Assignment of States  
in Burma to  
territorial division  
for purposes of the  
Act.

Exercise of the  
powers and duties  
of a District Judge  
under the Act.

## V.—Orders relating to Courts.

Execution of capital sentences in British India.

*No. 1431-I., dated the 27th April 1893.*—Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 1863-I. A., dated the 13th May 1904.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

*No. 680-I. B., dated the 19th March 1912.*—Printed in Appendix IV.

Appointment of Justices of the Peace with instructions to commit to the Chief Court of Lower Burma.

*No. 1920-E., dated the 19th October 1892.*—Printed in Appendix IV.

Constitution of Criminal Courts.

*No. 1921-E., dated the 19th October 1892.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879)<sup>1</sup>, the Governor-General in Council is pleased to make the following orders in respect of criminal proceedings in Karenni against British subjects other than (a) European-British subjects, and (b) persons jointly charged with European-British subjects:—

- (1) Every Assistant Superintendent of the Southern Shan States for the time being serving in Karenni shall exercise within Karenni the powers of a District Magistrate and a Court of Session as described in the <sup>2</sup>Code of Criminal Procedure, 1882.
- (2) The Superintendent and Political Officer, Southern Shan States, for the time being shall exercise the powers of a Court of Session, as described in the said Code, in respect of all offences over which magisterial jurisdiction is exercised by an Assistant Superintendent, Southern Shan States, serving in Karenni, provided that no Assistant Superintendent shall commit any accused person for trial to the Superintendent and Political Officer, Southern Shan States, acting as a Court of Session.

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>2</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), General Acts, Vol. V, Ed. 1909, p. 14.

- (3) The <sup>1</sup>Chief Commissioner of Burma for the time being shall exercise the powers of a High Court, as described in the said Code, in respect of all offences over which the jurisdiction of a District Magistrate or of a Court of Session is exercised by an Assistant Superintendent, Southern Shan States, serving in Karenni.
- (4) In the exercise of the jurisdiction of a Court of Session conferred on him by this notification, an Assistant Superintendent of the Southern Shan States serving in Karenni may take cognizance of an offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1882, for the trial of warrant cases by Magistrates.

In this notification the term "Assistant Superintendent" includes every officer whom the Chief Commissioner may at any time appoint to discharge for Karenni the functions of an Assistant Superintendent hereunder.

[*Gazette of India*, 1892, Pt. I, p. 636.]

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<sup>1</sup> The Chief Commissioner is now the Lieutenant-Governor of Burma, *see* Proclamation dated the 9th April, 1897, *Gazette of India*, 1897, Pt. I, p. 261, and all references in any instrument to the Chief Commissioner are to be construed, with effect from the 1st May, 1897, as referring to the Lieutenant-Governor, *see* s. 15 of the Burma Laws Act, 1898 (XIII of 1898), Burma Code, Ed. 1899, p. 265.



## NAMWAN ASSIGNED TRACT.

Provision for the laws, Courts, and general administration of the Namwan Assigned Tract is made by the following notification :—

*No. 788-E. B., dated the 2nd June 1899.*—Whereas by a Treaty ratified at Peking on the fifth day of June, 1897, it has been agreed between the respective Governments of Great Britain and China that, within the tract of country to the south of the Namwan River, near Namkhai, which may hereafter be designated “the Namwan Assigned Tract” and is enclosed to the west by a branch of the Nammak River and the Mawsi range of hills up to the Loichaw Peak, and thence by the range running in a north-easterly direction to the Shweli River, the administration and control shall be entirely conducted by the British Government: •

And whereas the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east, has hitherto been administered by the British Government as part of the Shan State of Möngmit, and the portion comprising the villages of Mansawn, Kunkyeng and Kawngnawng, together with the lands appertaining thereto, as part of the Shan State of North Hsenwi:

And whereas it is desirable that so much of the said Tract as has hitherto been administered as aforesaid should continue to be so administered, and that the rest of the said Tract, which has hitherto been administered by the Chinese Government, should henceforth be administered as part of the district of Bhamo in Upper Burma:

Now, in pursuance of the said Treaty and in exercise of the power conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879 (XXI of 1879)<sup>1</sup>, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to make the following orders for the administration of the said Tract, namely :—

1. (1) All laws for the time being in force in the Shan State of Möngmit shall be deemed to apply to the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east;

(2) All laws for the time being in force in the Northern Shan States shall be deemed to apply to the villages of Mansawn, Kunkyeng and Kawngnawng, together with the lands appertaining thereto; and

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

(3) All laws for the time being in force in the district of Bhamo shall be deemed to apply to the rest of the said Tract :

Provided that, for the purposes of the application of the Kachin Hill-tribes Regulation, 1895 (I of 1895)—

- (a) all laws for the time being applicable, under the said Regulation, to any hill-tribe in the Shan State of Möngmit shall apply to all hill-tribes in the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east ;
- (b) all laws for the time being so applicable to any hill-tribe in the Shan State of North Hsenwi shall apply to all hill-tribes in the villages and lands specified as aforesaid ; and
- (c) all laws for the time being so applicable to any hill-tribe in the district of Bhamo shall apply to all hill-tribes in the rest of the said Tract.

2. (1) The Lieutenant-Governor of Burma and all officers subordinate to the Government of Burma for the time being exercising authority in the Shan State of Möngmit shall have the like authority in the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east ;

(2) The said Lieutenant-Governor and officers for the time being exercising authority in the Shan State of North Hsenwi shall have the like authority in the villages and lands specified as aforesaid ; and

(3) The said Lieutenant-Governor and officers for the time being exercising authority in the district of Bhamo shall have the like authority in the rest of the said Tract.

3. (1) All Courts having jurisdiction for the time being in the Shan State of Möngmit shall have the like jurisdiction in the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east ;

(2) All Courts having jurisdiction for the time being in the Shan State of North Hsenwi shall have the like jurisdiction in the villages and lands specified as aforesaid ; and

(3) All Courts having for the time being jurisdiction in the district of Bhamo shall have the like jurisdiction in the rest of the said Tract.

[*Gazette of India*, 1899, Pt. I, p. 446.]

## CHAPTER VII.

### CENTRAL PROVINCES.

The States in the political control of the Chief Commissioner of the Central Provinces are :—

Agency.	States—
Chhattisgarh Feudatories—	Bastar. <sup>1</sup> Korea.
	<sup>1</sup> Chang Bhakar. Nandgaon.
	Chhuikadan. Raigarh.
	<sup>1</sup> Jashpur. Sakti.
	Kanker. Sarangarh.
	Kawarda. <sup>1</sup> Sirguja.
	Khairagarh. <sup>1</sup> Udaipur.
Hoshangabad <sup>2</sup> .	Makrai.

In all the States, except Chang Bhakar, Jashpur, Korea, Sirguja and Udaipur, the Chiefs are bound by their Fealty Bond <sup>3</sup> to submit sentences of death or of imprisonment exceeding seven years for confirmation by (in practice) the Chief Commissioner in the case of death sentences and otherwise the Commissioner of the Division <sup>4</sup>. The political authorities also possess <sup>5</sup> the usual jurisdiction in respect of British subjects, Europeans and Americans, and Government servants.

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<sup>1</sup> Transferred from the Chota Nagpur Agency (then in Bengal) in 1905, the change of authority in general respects being provided for by the following notification :—

*No. 3448-I. B., dated the 17th August 1906.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to direct that the Commissioner, Chhattisgarh Division, and the Chief Commissioner of the Central Provinces, shall exercise the powers hitherto enjoyed in regard to the Feudatory States of Sirguja, Jashpur, Udaipur, Korea, and Chang Bhakar by the Commissioner, Chota Nagpur, and the Bengal Government, respectively, with respect to any matters not otherwise provided for in separate notifications. These orders apply to all proceedings except proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1906, P. I, pt. 588.]

<sup>2</sup> The Deputy Commissioner is *ex-officio* Political Officer subject to the control of the Commissioner of the Narbada Division.

<sup>3</sup> Treaties, 4th Ed., Vol. 1, p. 445.

<sup>4</sup> The Narbada Division as regards Makrai, and the Chhattisgarh Division as regards the rest.

<sup>5</sup> Provision has been made for its exercise only in the case of European British subjects.

In Chang Bhakar, Jashpur, Korea, Sirguja and Udaipur the jurisdiction of the Chiefs is restricted to inflicting sentences of imprisonment up to two years and fines up to Rs. 50, or up to 5 years and Rs. 200 respectively, subject to the confirmation by the Commissioner of the Division <sup>1</sup>, who has powers of revision in all cases.

The railways in these States are included in the Eastern Division of Railways according to the classification in Volume V.

The only Administered Area in the Central Provinces is Berar which is held on perpetual lease from His Highness the Nizam of Hyderabad by an agreement <sup>2</sup> of 1902.

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<sup>1</sup> The Narbada Division as regards Makrai, and the Chhattisgarh Division as regards the rest.

<sup>2</sup> Treaties, 4th Ed., Vol. IX, p. 174.



## NATIVE STATES IN THE CENTRAL PROVINCES.

The following British enactments are in force in the Native States in the Central Provinces—

**I.—Statutes—***See* Appendix I.

**II.—Acts of the Governor-General in Council.—***See* Appendix II

**III.—Orders under Statutes.**

*No. 853-I.B., dated the 16th April 1913—*Printed in Appendix IV. 28 Vict., c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III. 53 and 54 Vict., c. 37.

**IV.—Orders under Acts of the Governor-General in Council.**

Indian Christian  
Marriage Act, 1872.

*No. 4369-I.B., dated the 20th October 1905.—*Printed in Appendix V.

Political Officers  
appointed Marriage  
Registrars. Marriage  
certificates to be sent  
to the Registrar-Ge-  
neral of Births, Deaths  
and Marriages for the  
Central Provinces.

*No. 2033-I.B., dated the 26th September 1912.—*Printed in Appendix V. Delegation to the  
Chief Commissioner  
of full powers under  
the Act.

*No. 8859, dated the 31st December 1891.—*Not reprinted.

Fees and rules.

[*Central Provinces Gazette, 1892, Pt. II, p. 2.*]

Indian Arms Act,  
1878.

*No. 3102, dated the 16th August 1909.—*Printed in Appendix XVII.

(The Indian Arms Rules, 1909).

Exemption of certain  
persons in Native  
States from certain  
prohibitions and  
directions contained  
in the Act.  
Rules regarding  
the export of arms  
and ammunition from  
and their import into  
British India.

India Income-tax  
Act, 1886.

Political Agent No. 5120, dated the 13th October 1887.—Printed in Appendix VII.  
Chhattisgarh Feudatories invested with certain powers of a collector under the Act.

Births, Deaths and  
Marriage Registration  
Act, 1886.

Appointment of— No. 1532-I.B., dated the 13th May 1895. } —Printed in Appendix  
(a) Registrars of No. 4371-I.B., dated the 20th October 1905. } VIII.  
Births and Deaths.

(b) Registrar General  
for the Central  
Provinces to be Registrar General.

Rules and fees— No. 1173, dated the 19th July 1888.—Printed in Appendix VIII.

Indian Foreign Marriage  
Act, 1903.

Fees. No. 341, dated the 11th August 1904.—Printed *supra* page 4.

Indian Extradition  
Act, 1903.

Political Agent, No. 3441-I.B., dated the 17th August 1906.—Printed in Appendix IX.  
Chhattisgarh Feudatories, invested with powers of a Political Agent under the Act.

Political Agents No. 3361-I.A., dated the 23rd December 1898.—Printed in Appendix IX.  
authorised to grant extradition for an act against the law of a State which would constitute an offence under the Criminal Tribes Act, 1871, in British India.

Rules under the Act, No. 1862-I.A., dated the 13th May 1904.—Printed in Appendix IX.  
except in areas under British jurisdiction.

Indian Universities  
Act, 1904.

Inclusion of the No. 717, dated the 20th August 1904.—Printed in Appendix X.  
Central Provinces States in the territorial limits of the Allahabad University.

*No. 749-I.B., dated the 27th March 1912.*—Printed in Appendix XI.

Code of Civil Procedure, 1908.

Authority to sanction institution of suits and execution of decrees against Chiefs of States in the Central Provinces.

*No. 855-I.B., dated the 16th April 1913.*—Printed in Appendix VI.

Administrator-General's Act, 1874.

Assignment of States to territorial divisions for purposes of the Act.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.

Exercise of the powers and duties of a District Judge under the Act.

## V.—Orders relating to Courts.

Execution of capital sentences in British India.

*No. 1431-I., dated the 27th April 1893.* }  
*No. 522, dated the 10th November 1906.* } —Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 1863-I.A., dated the 13th May 1904.*—Printed in Appendix IV.

Jurisdiction of the High Courts at Bombay and Allahabad over European British subjects.

*No. 853-I.B., dated the 16th April 1913*—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction.

*No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

*No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV.

Appointments of Justices of the Peace.

*No. 4367-I.B., dated the 20th October 1905.*—Printed in Appendix IV.

Criminal jurisdiction in Chang Bhakar, Jashpur, Korea, Sirguja and Udaipur.

*No. 3500-I.B., dated the 31st August 1908.*—Whereas the Governor-General in Council has, in certain cases, criminal jurisdiction, within the Feudatory States of Sirguja, Jashpur, Udaipur, Korea and Chang Bhakar : In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No. 3449-I.B., dated the 17th August 1906, the Governor General in Council is pleased to issue the following orders in respect of such cases :—

- (1) The Political Agent, Chhattisgarh Feudatories, shall, subject to the general or special order of the Commissioner, Chhattisgarh, exercise, when employed in respect of such cases occurring within the limits of the said States, the powers of a District Magistrate, as defined in the Code of Criminal Procedure, 1898 (Act V of 1898).
- (2) The Political Agent, Chhattisgarh Feudatories, for the time being shall, in respect of all such cases arising within the limits of any of the said States, exercise the powers of a Sessions Judge as described in the said Code, subject to the proviso that sentences

of more than 7 years' imprisonment passed by him shall be submitted to the Commissioner for confirmation.

- (3) The Commissioner, Chhattisgarh, shall exercise the powers of a High Court as described in the said Code, in respect of all offences over which jurisdiction is exercised by the Political Agent, Chhattisgarh Feudatories, subject to the proviso that all sentences of death shall be submitted to the Chief Commissioner for confirmation and that appeals against such sentences shall also be disposed of by the Chief Commissioner.
- (4) In exercise of the jurisdiction of a Court of Sessions conferred on him by these orders the Political Agent may take cognizance of any offence as a Court of Original Criminal Jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by a Magistrate.
- (5) A trial before the Political Agent as Sessions Judge in the exercise of the jurisdiction conferred by these orders may be without jury or the aid of assessors, and may, subject to the orders of the Chief Commissioner, Central Provinces, be held in such place as the Court may, in its discretion, fix for the purpose.
- (6) The Commissioner and the Political Agent in the exercise of any jurisdiction delegated to them in respect of the said States or in advising any Chief, are to be guided by the law of British India relating to offences and criminal procedure in so far as it is applicable and (in cases where Chiefs and their subjects are concerned) so far as it is not inconsistent with any local law or custom or any order of the Chief Commissioner, Central Provinces, in force for the time being.
- (7) These orders apply to all proceedings except—
  - (a) Proceedings against European British subjects or persons charged jointly with European British subjects, and
  - (b) Proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1908, Pt. I, p. 819.]

No. 2807-I. B., } dated the 10th July 1908.—Printed in { XII A.  
No. 2806-I. B., } Appendix { XII B.

Service by Courts  
in Berar and  
British India of  
summonses of Civil  
and Revenue  
Courts of States in  
the Central  
Provinces.



## CHAPTER VIII.

## MADRAS.

The States in the political control of the Governor of Madras are :—

Agency.	States.
Travancore and Cochin.	Travancore.
	Cochin.
Trichinopoly. <sup>1</sup>	Pudukkottai.
Kurnool. <sup>1</sup>	Banganapalle.
Bellary. <sup>1</sup>	Sandur.

In Travancore and Cochin there are special arrangements with regard to jurisdiction over European British subjects. In cases of a nature to be dealt with entirely by Magistrates, certain selected Magistrates who are themselves European British subjects and Christians, are allowed to exercise over European British subjects resident in the State the same jurisdiction that Magistrates of the first class, who are European British subjects and Justices of the Peace, exercise over such persons in British India. Appeals in such cases lie to a Court of the State, of which the Judge is a Christian European British subject : and the proceedings are subject to the control of the Resident. Other cases according to their nature are committed by the same Magistrates, empowered as Justices of the Peace, either to the Resident as Court of Session or to the High Court at Madras. Appeals lie from the Resident's decisions to the same High Court.

In Banganapalle and Sandur sentences of death require the sanction of the Governor of Madras in Council.

The only Administered Area in these States is the sanitarium of Raman-drug in Sandur which is leased to the British Government with a cession of criminal jurisdiction over persons other than subjects of the State.

The railways in these States are included in the Southern Division of Railways according to the classification in Volume V.

<sup>1</sup> The Collector of this District is *ex-officio* Political Agent for the State mentioned in the corresponding entry.





## STATES IN MADRAS.

The following British enactments are in force in States in Madras:—

I.—Statutes.—See Appendix I.

II.—Acts of the Governor-General in Council.—See Appendix II.

III.—Orders under Statutes—

*No. 119-F., dated the 9th August 1875.*  
*No. 120-F., dated the 9th August 1875.*  
*No. 853-I.B., dated the 16th April 1913.* } —Printed in Appendix IV. 28 Vict., c. 15.

III. The Indian (Foreign Jurisdiction) Order in Council, 1902.—See Appendix 53 and 54 Vict., c. 37.

IV.—Orders under Acts of the Governor-General in Council and of Local Legislatures.

*No. 464, dated the 3rd August 1907.*—Printed in Appendix V.

Indian Christian Marriage Act, 1872.  
 Marriage certificates to be sent to the Registrar General, Madras.

*No. 367* dated the *18th August 1905* —Not re-printed.  
*233* *25th April 1906*

Fees and Rules.

[*Fort St. George Gazette*, *1905*, Pt. I, p. *636*  
*1906*, *463*.]

European Vagrancy Act, 1874.

*No. 4829, dated the 20th October 1870.*—Printed *supra* page 19.

Provisions brought into force.

Sea Customs Act, 1878.

*No. 1131, dated the 13th June 1865.*—Under the provisions of section 12 of Act VI of 1863 and in the exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of the Native States of Cochin and Travancore to be British Indian ports for the purposes of section 18, section 141 and sections 149 to 160 of the same Act, in so far as the said sections or any of them are capable of being applied with respect to such ports. This declaration is to have effect from the 1st June 1865.

Travancore and Cochin ports declared to be British Indian ports.

[*Gazette of India*, 1865, Pt. I, p. 780.]

Indian Arms Act, 1878.

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.

Exemption of certain persons from certain prohibitions and directions contained in the Act.

(The Indian Arms Rules, 1909.)

Rules regarding the export of arms and ammunition from, and their import into, British India.

Indian Salt Act,  
1882.

Remission of duty  
on salt exported  
from Madras to  
Travancore.

*No. 4352-S.R., dated the 16th August 1901.*—In exercise of the powers conferred by section 7, clause (b) of the Indian Salt Act, 1882 (XII of 1882), the Governor General in Council is pleased to remit the duty imposed under clause (a) of the said section on salt manufactured in the Province of Madras, where such salt is exported by land in accordance with such rules as the Governor in Council may make in this behalf, to the State of Travancore.

[*Gazette of India*, 1901, Pt. I, p. 608.]

Madras Abkari Act,  
1886.

Rules for transport  
of liquor and drugs  
through Cochin  
territory, and from  
one part of Cochin  
territory to another  
through British  
territory.

*No. 15, dated the 27th November 1903.*—Not re-printed.

[*Fort St. George Gazette*, 1903, Pt. II, p. 1655.]

Resident invested  
with powers  
of a Collector for  
purposes of export.

*No. 260, dated the 4th June 1912.*—Printed Vol. I, page 212.

Indian Income-tax  
Act, 1886.

Political officers  
invested with certain  
powers of a Collector  
under the Act.

*No. II, dated the 15th January 1894.*—Printed in Appendix VIII.

Births, Deaths and  
Marriages  
Registration Act,  
1886.

Appointment of  
Registrars of  
Births and Deaths,  
and of Registrar-  
General, Madras, to  
be Registrar-General  
for States.

*No. 339-I., dated the 25th January 1889.*—Printed in Appendix VII.

Rules and fees.

*No. 285, dated the 9th May 1912.*—Not re-printed.

[*Fort. St. George Gazette*, 1912, Pt. I, p. 509.]

Indian Foreign  
Marriage Act, 1903.  
Fees.

*No. 341, dated the 11th August 1904.*—Printed *supra*, page 4.

[*Gazette of India*, 1904, Pt. I, p. 592.]

*No. 3361-I.A., dated the 23rd December 1898.*—Printed in Appendix IX.

Indian Extradition Act, 1903.

Political Agents authorized to grant extradition for an act against the law of a Native State which in British India would constitute an offence under the Criminal Tribes Act, 1871.

*No. 1862-I.A., dated the 13th May 1904.*—Printed in Appendix IX.

Rules under the Act.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

Indian Universities Act, 1904.

Inclusion of Madras States in the territorial limits of the Madras University.

*No. 749-I.B., dated the 27th March 1912.*—Printed in Appendix XI.

Code of Civil Procedure, 1908.

Authority to sanction institution of suits and execution of decrees against Chiefs of Madras States.

*No. 855-I.B., dated the 16th April 1913.*—Printed in Appendix VI.

Administrator-General's Act, 1874.

Inclusion of Madras States in the Presidency of Madras for purposes of the Act.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.

Exercise of the powers and duties of a District Judge under the Act.

## V.—Orders Relating to Courts.

Execution of capital sentences in British India.

*No. 1431-I., dated the 27th April 1893.*—Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 1863-I.A., dated the 13th May 1904.*—Printed in Appendix IV.

Jurisdiction of the High Court at Madras over European British subjects in — Travancore.

Cochin.

*No. 119-J. } dated the 9th August 1875.*—Printed in Appendix IV.  
*No. 120-J. }*

Other States.

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court at Madras, or in certain cases in Travancore and Cochin to the Court of the Resident.

*No. 119-J. } dated the 9th August 1875.*—Printed in Appendix IV.  
*No. 120-J. }*

*No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

*No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV.

Appointments of Justices of the Peace for—

Travancore and Cochin.

*No. 119-J. } dated the 9th August 1875.*—Printed in Appendix IV.  
*No. 120-J. }*

*No. 1632-I.A., dated the 25th April 1902.*—Printed in Appendix IV.

Other States.

*No. 1829-I., dated the 29th May 1894.*—Printed in Appendix IV.

Constitution of Criminal Courts in Travancore and Cochin.

*No. 119-J. } dated the 9th August 1875.*—Printed in Appendix IV.  
*No. 120-J. }*

### RAMANDRUG.

The British enactments in force in Ramandrug are those cited above as in force in the Sandur State with the addition of the following :—

#### Orders relating to Courts.

*No. 36, dated the 17th January 1894.*—Printed in Appendix XIII.

Execution of capital sentences in British India.

*No. 1019-I., dated the 5th March 1891.*—Printed in Appendix IV.

Appointment of Justices of the Peace.

*No. 1018-I., dated the 5th March 1891.*—Whereas the Raja of Sandur has ceded to the British Government certain criminal jurisdiction over the land within his State known as Ramandrug, in exercise of such jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879<sup>1</sup>, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following orders :—

Constitution of Criminal Courts.

- (1) The Sub-Magistrate of Ramandrug for the time being shall exercise within the said land, in respect of all persons, not being subjects of the Raja, residing therein, all the powers of a Magistrate with which he may for the time being be invested by the Governor of Fort St. George in Council under the Code of Criminal Procedure, 1882.
- (2) All Criminal Courts for the time being having jurisdiction within the Bellary District shall have within the said land, in respect of the persons described in the last foregoing clause, the jurisdiction which they respectively have within that district :

Provided that the powers of a High Court shall be exercised by the Governor of Fort St. George in Council and not by the High Court of Judicature at Madras.

- (3) The law relating to offences and to criminal procedure for the time being in force in British India shall extend to the said land, so far as the persons described in clause 1 of this notification are concerned.
- (4) Nothing contained in clauses 1, 2 and 3 of this notification shall apply to accused persons who are European British subjects, or persons jointly charged with European British subjects.

[*Gazette of India*, 1891, Pt. I, p. 125.]

#### Local Laws.

*No. 2651-I., dated the 25th June 1891.*—Printed in Appendix XV.

Printing and publication of newspapers and other printed work.

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.



## CHAPTER IX.

## PUNJAB.

The States in the political control of the Government of the Punjab are :—

Agencies.		States.	
<sup>1</sup> Ambala . . .	Dujana.	Loharu.	Sirmur (Nahan).
	Kalsia.	Pataudi.	
<sup>1</sup> Jullundur . . .	Faridkot.	Malerkotla.	Suket.
	Kapurthala.	Mandi.	
<sup>1</sup> Lahore . . .	Chamba.		
Phulkian States and Bahawalpur.	Jind.	Patiala.	
	Nabha.	Bahawalpur.	
<sup>2</sup> Simla Hill States .	Baghal. •	Dhami.	Mailog.
	Baghat.	Ghund.	Mangal.
	Balsan.	Jubbal.	Nalagarh (Hindur).
	Bashahr.	Kanethi.	Ratesh.
	Bajji.	Keonthal.	Rawin.
	Bija.	Kothar.	Sangri.
	Bilaspur.	Koti.	Taroeh.
	Darkuti.	Kumharsain.	Theog.
	Delath.	Kunihar.	
	Dhadi.	Madhan.	

The tribal territory known as the Dera Ghazi Khan Frontier Tract is also under the control of the Punjab Government exercised through the Deputy Commissioner of the Dera Ghazi Khan District. It is bounded by that District on the east and by the Baluchistan Agency on the west, and is inhabited, in the order named from south to north, by the tribes of the Mazaris, Gurchanis, Lagharis, Khosas, Sori Lunds, Bozdars and Kasranis.

In all the States capital sentences passed by the State Courts require confirmation by the political authorities except in Patiala, Jind and Nabha, Bahawalpur and Kapurthala where the Chiefs possess powers of life and death over their own subjects. <sup>3</sup> In Bashahr the Chief has leased the forests of the State to the British Government and has delegated the jurisdiction necessary for their management. <sup>4</sup> A similar arrangement exists in Chamba. <sup>5</sup>

<sup>1</sup> The Commissioner of this Division is *ex-officio* the Political Officer.

<sup>2</sup> The Deputy Commissioner of the Simla District is *ex-officio* the Political Officer.

<sup>3</sup> Treaties, 4th Ed., Vol. VIII, pp. 203 (Patiala), 264 (Jind), 288 (Nabha) and 402 (Bahawalpur). The power was conferred conditionally on the Maharaja of Kapurthala in 1902.

<sup>4</sup> Treaties, 4th Ed., Vol. VIII, p. 331.

<sup>5</sup> Treaties, 4th Ed., Vol. VIII, p. 377.

In the Dera Ghazi Khan Frontier Tract British jurisdiction is exercised through the Chiefs and Elders of the tribes so far as circumstances permit.

The only Administered Area in the Punjab States is a small block of land at Kasumpti adjoining Simla, which is leased from the Raja of Keonthal, together with the ground forming the catchment area for the water-supply of Simla.

The various railways are included in the North-Western Division of Railways according to the classification in Volume V.



## STATES IN THE PUNJAB.

The following British enactments are in force in the States in the Punjab:—

I.—Statutes.—See Appendix I.

II.—Acts of the Governor-General in Council.—See Appendix II.

III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—See Appendix 53 and 54 Vict., c. 37.

IV.—Orders under Acts of the Governor-General in Council and of Local Legislatures.

No. 4460-I., dated the 27th December 1894.—Printed in Appendix V.

Indian Christian Marriage Act, 1872.  
Officer appointed Marriage Registrar and licensed to grant certificates of marriage between Native Christians in the Patiala State.

No. 2033-I.B., dated the 26th September 1912.—Printed in Appendix V.

Delegation to the Lieutenant-Governor of powers under the Act in all States in the Punjab.

No. 1586-E., dated the 29th August 1892.—Printed in Appendix V.

Fees and Rules.

<sup>1</sup> No. 900, dated 22nd February 1872.—In the exercise of the power vested in him by the last clause of section 2 of the European Vagrancy Act, 1869, His Excellency the Acting Governor-General in Council is pleased to extend sections 4 to 16 (both inclusive, 19, 20, 24 and 29 of the said Act to the Punjab, as well as to the dominions of the Princes and States in alliance with Her Majesty, situated within the limits of the Province, with effect from the date <sup>2</sup> of the re-publication of this notification in the local Gazette of the Government of the Punjab.

European Vagrancy Act, 1874.  
Provisions brought into force in Punjab States from the 29th February 1872.

[Gazette of India, 1872, Pt. I, p. 188.]

<sup>1</sup> This notification is kept in force by s. 2 of Act IX of 1874, and should now be read as referring to ss. 4 to 16, 19, 20, 24 and 29 of that Act.

<sup>2</sup> It was published in the Punjab Government Gazette on the 29th February, 1872, see p. 274 of that Gazette.

Indian Arms Act,  
1878.

Exemption of certain  
persons from certain  
prohibitions and  
directions contained  
in the Act.

Rules regarding the  
export of arms and  
ammunition from,  
and their import  
into, British India.

Births, Deaths and  
Marriages Registra-  
tion Act, 1886.

appointment of—  
(a) Marriage Regis-  
trars, and  
(b) Registrar-Gene-  
ral for Nahan, and  
the Phulkian States  
and Bahawalpur.

Fees and Rules.

Indian Foreign  
Marriage Act, 1903.  
Fees.

Indian Extradition  
Act, 1903.

Political Agents  
authorized to grant  
extradition for an  
act against the law  
of a State which  
would constitute an  
offence under the  
Criminal Tribes Act,  
1871, in British  
India.

Rules under the Act.

Officers invested  
with powers of a  
Political Agent under  
the Act.

Punjab Minor  
Canals Act of 1905.

Act declared  
applicable to certain  
canals.

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.  
(The Indian Arms Rules, 1909.)

*No. 1095-I.A., dated the 28th April 1899.* } —Printed in Appendix  
*No. 705-I.B., dated the 3rd April 1911.* } VIII.

<sup>1</sup>*No. 1173, dated the 19th July 1888.*—Printed in Appendix VIII.

*No. 341, dated the 11th August 1904.*—Printed *supra*, page 4.

*No. 3361-I.A., dated the 23rd December 1898.*—Printed in Appendix IX.

*No. 1862-I.A., dated the 13th May 1904.* } —Printed in Appendix IX.  
*No. 2682-I., dated the 13th August 1885.* }  
*No. 648-I.B., dated the 31st March 1913.*—Printed in Appendix IX.

*No. 55, dated the 29th March 1909.*—In exercise of the powers con-  
ferred by section 69 of the Punjab Minor Canals Act (Punjab Act III of  
1905), the Local Government declares that sections 1 to 5, 7, 10, 12 to 14,  
44, 49, 50, 54, 55, 59 to 62, 64 to 66, 69, 71, 73 and 74 of the said Act shall

<sup>1</sup> For revised schedules A and B see notification No. 273, dated the 14th February 1913.  
*Punjab Gazette*, 1913. Pt. I, p. 118.

be applicable to the following canals which are at present situate partly within and partly without the territories to which the Act extends. \* \* \*

*Names of canals.*

- |                     |                                   |
|---------------------|-----------------------------------|
| 1. Sadikia Eastern. | 6. Bahawalwah or Jafir Lal Dhand. |
| 2. Fordwah.         | 7. Wallanwah.                     |
| 3. Fazilwah.        | 8. Jagguwah.                      |
| 4. Minchinwah.      | 9. Mir Muhammadwah.               |
| 5. Barneswah.       |                                   |

[*Punjab Gazette*, 1909, Pt. I, p. 236.]

No. 54, dated the 29th March 1909.—In exercise of the powers conferred by section 70 of the Punjab Minor Canals Act (Punjab Act III of 1905), the Local Government hereby declares that the powers exercisable by a Collector under section 54 of the said Act may, under the circumstances there specified, be exercised by the Revenue Member of the Council of Regency of the Bahawalpur State for the time being within the limits of the Punjab for all or any of the purposes of any of the canals mentioned below which are at present situate beyond the limits of the Punjab \* \* \*

*Names of canals.*

- |                       |   |
|-----------------------|---|
| 1. Azam China.        | 18. Bihariwah.  |
| 2. Parpata.           | 19. Makhdumwah, <i>alias</i> Pirwah.  |
| 3. Daulatwah.         | 20. Charleswah Kuhna.   |
| 4. Mahmudwah.         | 21. Sadiqwah.   |
| 5. Ahmadwah (Ubha).   | 22. Daggawah.   |
| 6. Kaimwah Kuhna.     | 23. Sadikia Western canal.  |
| 7. Marubwah.          | 24. { (a) Greywah, (b) Bahadurwah, (c) Muhammadwah, } having a common head. |
| 8. Gaganwah.          |   |
| 9. Tolawah.           |   |
| 10. Husainwah.        | 25. Amadwah (Lamma).  |
| 11. Burnwah.          | 26. Mubarakwah <i>alias</i> Khunanwah.                                      |
| 12. Bahawalwah Kalan. | 27. Muhammadwah.  |
| 13. Mubarakwah Kuhna. | 28. Aliwah.   |
| 14. Pirwah.           | 29. Fazilwah Khurd.   |
| 15. Sultanwah.        | 30. Sabzalwah.  |
| 16. Bakhtwah.         | 31. Mahiwah Kuhna.  |
| 17. Sonwah.           |   |

[*Punjab Gazette*, 1909, Pt. I, p. 236.]

Revenue Member of the Bahawalpur Council of Regency authorized to exercise certain powers in regard to the canals named,

*No. 56, dated the 29th March 1909.*—In exercise of the powers conferred by section 61 of the Punjab Minor Canals Act (Punjab Act III of 1905), the Revenue Member of the Council of Regency of the Bahawalpur State for the time being is appointed to exercise the powers of a Collector under section 54 (3) of the said Act in respect of the canals enumerated below :—

*Names of canals.*

- |                                       |                        |                                   |
|---------------------------------------|------------------------|-----------------------------------|
| 1. Sadikia Eastern,                   | } Ferozepore district. | 5. Barneswah.                     |
| 2. Fordwah,                           |                        | 6. Bahawalwah or Jafir Lal Dhand. |
| 3. Fazilwah,                          |                        | 7. Wallanwah.                     |
| 4. Minchinwah, Muzaffargarh district. |                        | 8. Jagguwah.                      |
|                                       |                        | 9. Mir Muhammadwah.               |

[*Punjab Gazette*, 1909, Pt. I, p. 237.]

Indian Universities Act, 1904.

Inclusion of Punjab States in the territorial limits of the Punjab University.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

Code of Civil Procedure, 1908.

Authority to sanction institution of suits and execution of decrees against Chiefs of Punjab States.

*No. 749-I. B., dated the 27th March 1912.*—Printed in Appendix XI.

Administrator-General's Act, 1874.

Inclusion of Punjab States in a territorial division for purposes of the Act.

*No. 855-I. B., dated the 16th April 1913.*—Printed in Appendix VI.

Exercise of the powers and duties of a District Judge under the Act.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.

## VI.—Orders relating to Courts.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

Execution of capital sentences in British India.

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 639-I. A., dated the 14th February 1902.—Printed in Appendix IV.

Appointments of Justice of the Peace with instructions to commit to the Chief Court of the Punjab.

No. 680-I. B., dated the 19th March 1912.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

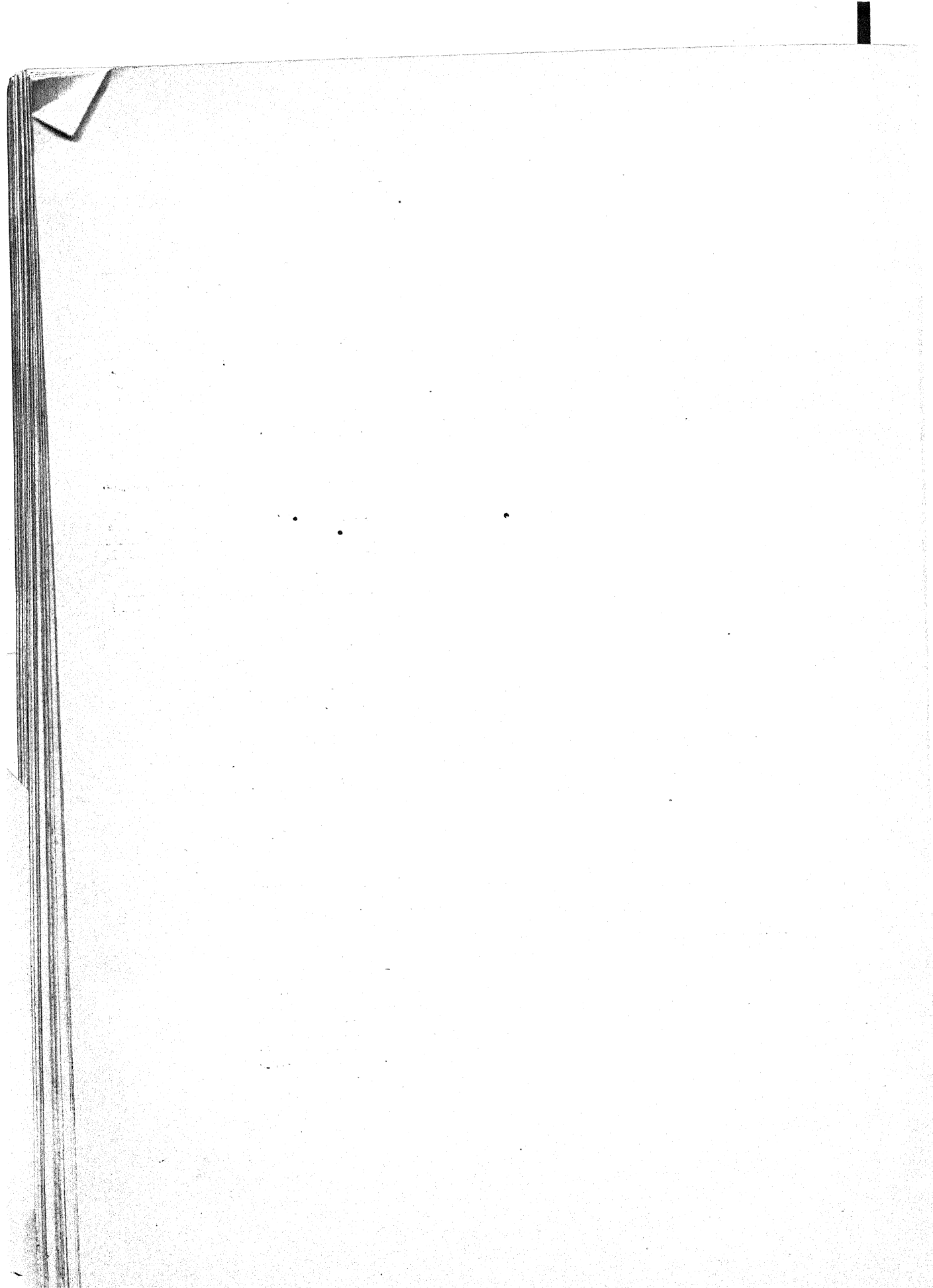
## VII.—Special Laws.

<sup>1</sup>No. 4449-E. C., dated the 14th November 1907.—In exercise of the powers conferred upon him by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to apply the provisions of the Bengal Eastern Frontier Regulation, 1873 (V of 1873), to the State of Bashahr, and to declare that the said Regulation shall be read subject to the following modifications, that is to say, as if—

- (1) for the "Local Government of Bengal" the "Local Government of the Punjab" were substituted;
- (2) for the "*Calcutta Gazette*" the "*Punjab Gazette*" were substituted;
- (3) for "any district or districts referred to in the Regulation" the "State of Bashahr" were substituted;
- (4) for the "chief executive officer of any district" the "Superintendent, Hill States, Simla District," were substituted.

[*Gazette of India*, 1907, Pt. I, p. 1042.]

<sup>1</sup>This enactment, which has the object of controlling communication with the country to the north-east of Bashahr, is supplemented by the extension of the Regulation to the British Districts of Spiti, Lahul, Almora and Garhwal, under which supplementary notifications have been issued similar to those printed *infra*, p. 507, *cf.* notifications Nos. 534-536 and 539-541, dated the 3rd December 1907, as amended by Nos. 82 and 84, dated the 6th March 1908 (*Punjab Gazette*, Pt. I, 1907, p. 921, and 1908, p. 126), and Nos. 231-237, dated the 21st March 1907, as amended by No. 182, dated the 27th February 1908 (*United Provinces Gazette*, Pt. I, 1907, p. 217, and 1908, p. 174). Similar measures have been adopted by the Raja of Tehri.



## DERA GHAZI KHAN FRONTIER TRACT.

The following British enactments are in force in the Dera Ghazi Khan Frontier Tract :—

**I.—Statutes.**—*See* Appendix I.

**II.—Acts of the Governor-General in Council**—*See* Appendix II.

**III.—Orders under Statutes.**

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix 53 and 54 Viet., c. 37.

**IV.—Orders under Acts of the Governor-General in Council.**

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

Indian Arms Act,  
1878.

Exemption of certain persons from certain prohibitions and directions contained in the Act.

Rules regarding the export of arms and ammunition from, and their import into, British India.

**V.—Orders relating to Courts.**

*No. 1431-I., dated the 27th April 1893.*—Printed in Appendix XIII.

Execution of capital sentences in British India.

*No. 1863-I. A., dated the 13th May 1904.*—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

*No. 680-I. B., dated the 9th March 1912.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

*No. 1721-F., dated the 27th June 1902.*—Printed in Appendix IV.

Appointment of Justice of the Peace with directions to commit for trial to the Chief Court of the Punjab.

*No. 1720-F., dated the 27th June 1902.*—Whereas the Governor-General in Council has power and jurisdiction within the tracts noted in the margin :

The tract bounded by the plains of the Dera Ghazi Khan District on the east and south by the territories included in the Thal-Chotiali<sup>1</sup> and Zhob Political Agencies of Baluchistan on the west and by the tract subject to the political control of (a) the Chief Commissioner, North-West Frontier Province, and (b) the Political Agent, Zhob, on the south.

In exercise of such power and jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)<sup>2</sup>, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to make the following orders .

\* \* \* \* \*

## PART II.

For the purposes of the exercise of criminal jurisdiction as regards the aforesaid tracts :—

(1) (a) The Deputy Commissioner for the time being of the Dera Ghazi Khan District, as regards those tracts, shall exercise the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898, and may try any offence or pass any sentence which a District Magistrate specially empowered under section 30 of that Code may try or pass ; and

(b) Every Magistrate having, for the time being, any jurisdiction within the Dera Ghazi Khan District shall exercise the like jurisdiction as regards these tracts :

Provided that, if in any case in which the complainant (if any) and the accused person or all the accused persons are not British subjects, the Deputy Commissioner or any such Magistrate deems it expedient for political reasons to decline to exercise the powers so conferred on him, it shall be in his discretion to do so, subject to any directions which may be issued by the Commissioner of the Multan Division or by the Lieutenant-Governor of the Punjab and its dependencies.

(2) The Commissioner for the time being of the Multan Division shall be the Sessions Judge, and his Court the Court of Session, as regards the said tracts.

(3) The functions of the High Court as a Court of Reference and Revision shall be discharged by the Lieutenant-Governor of the Punjab and its Dependencies.

<sup>1</sup> Now distributed between the Loralai and Sibi Agencies.

<sup>2</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>3</sup> Printed *infra*, page 439.



(4) All other functions of the High Court shall be discharged by the Court of Session.

(5) This part of this notification applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects.

[*Gazette of India*, 1902, Pt. I, p. 469.]



## VI.—Local Laws.

No. 1720-F., dated the 27th June 1902.—Whereas the Governor-General in Council has power and jurisdiction within the tracts noted in the margin :

The tract bounded by the plains of the Dera Ghazi Khan District on the east and south, by the territories included in the Thal-Chotiali<sup>1</sup> and Zhob Political Agencies of Baluchistan on the west, and by the tracts subject to the political control of (a) the Chief Commissioner, North-West Frontier Province, and (b) the Political Agent, Zhob, on the north.

In exercise of such power and jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)<sup>2</sup>, and of all other powers enabling him in this

behalf, the Governor-General in Council is pleased to make the following orders \* \* :—

## PART I.

(1) The provisions, so far as they can be made applicable in the circumstances for the time being, and as amended for the time being by subsequent enactments, of the enactments specified in the First Schedule to this Part are hereby applied to the aforesaid tracts subject, in the case of the Code of Criminal Procedure, 1898, and the Frontier Crimes Regulation, 1901, to the modifications specified in the Second Schedule to this Part.

(2) For the purpose of facilitating the application of the said enactments to the said tracts, any Magistrate or Court for those tracts may construe any provision in any such enactment with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Magistrate or Court.

## THE FIRST SCHEDULE.

*Enactments applied.*

Number and year.	Subject.
Act XLV of 1860 . . . . .	Indian Penal Code.
Act XXVIII of 1867 . . . . .	Punjab Murderous Outrages.
Act IX of 1877 . . . . .	Reviving and Amending Act XXIII of 1867.
Act V of 1898 . . . . .	Criminal Procedure.
Regulation III of 1901 . . . . .	Frontier Crimes.

<sup>1</sup> See footnote 1 on p. 436 *supra*.

<sup>2</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

## THE SECOND SCHEDULE.

*Modifications in the Code of Criminal Procedure, 1898 (Act V of 1898) and the Frontier Crimes Regulation, 1901 (III of 1901).*

(1) *In the Code of Criminal Procedure, 1898—*

- (a) The Court of Session may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to it by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.
- (b) No appeal shall lie from any order of the Sessions Judge.
- (c) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or the aid of assessors.

(2) *In the Frontier Crimes Regulation, 1901—*

- (a) For section 1, sub-sections (2), (3), (4), (5) and *Explanation* appended to sub-sections (4) and (5) the following shall be substituted, namely—

“(2) This Regulation shall not be enforced against (1) European British subjects, or (2) persons of any such class as the Local Government may by notification in the local official *Gazette* declare to be exempt therefrom, or (3) any person in the Civil or Military service of the Government unless such person is accused of having committed an offence conjointly with a person to whom this Regulation applies.

“(3) The word ‘class’ as used in sub-section (2) includes any person who may be collectively described in a notification under this section as persons exempt from the provisions of this Regulation.”

- (b) For clause (b) of section 2 the following shall be substituted :—

“(b) ‘Commissioner’ means the Commissioner of the Multan Division, and

- “(c) ‘Deputy Commissioner’ means the Deputy Commissioner of the Dera Ghazi Khan District, and includes any Magistrate appointed by the Deputy Commissioner by order, in writing, to exercise all or any of the functions or powers specified in the first part of the first schedule of Regulation III of 1901, and also any Magistrate appointed by the Local Government to exercise all or any of such functions or powers.”

<sup>1</sup> Substituted by notification No. 2677-F., dated the 18th August 1908.—*Gazette of India*, 1908, Pt. I, p. 795.

(c) For sub-section (1) of section 8 the following shall be substituted :—

“ When the Deputy Commissioner thinks it expedient that any dispute should be settled in the manner provided by this section, he may make an order in writing stating the grounds of his opinion and referring the dispute to a Council of Elders.”

\* \* \* \* \*

[*Gazette of India*, 1902, Pt. I, p. 469.]

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<sup>1</sup> Printed *supra*, p. 436.



## KASUMPTI.

In addition to the British enactments cited above<sup>1</sup>, which operate in the Keonthal State, the following are also in force in Kasumpti :—

## Orders relating to Courts.

*No. 1516-I., dated the 15th May 1885.*—Whereas the Raja of Keonthal has granted to the British Government full jurisdiction within a tract of land adjoining the Municipality of Simla, and more particularly described in the schedule<sup>2</sup> hereto annexed :—

In exercise of such jurisdiction and of the powers conferred by sections 4 and 5 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act)<sup>3</sup>, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to notify as follows :—

\* \* \* \* \*

- (3) All British Courts established within the Municipality of Simla shall, within the aforesaid tract of land, exercise the jurisdiction which they are, from time to time, respectively empowered to exercise within the limits of the said Municipality.

\* \* \* \* \*

[*Gazette of India*, 1885, Pt. I, p. 296.]

## Local Laws and Acts locally applied.

*No. 1516-I., dated the 15th May 1885.*—Whereas the Raja of Keonthal has granted to the British Government full jurisdiction within a tract of land adjoining the Municipality of Simla, and more particularly described in the schedule hereto annexed :—

In exercise of such jurisdiction, and of the powers conferred by sections 4 and 5 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act)<sup>3</sup>, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to notify as follows :—

- (1) Except as hereinafter provided, all laws, regulations, rules, bye-laws, and orders, for the time being in force in the Municipality of Simla, in the Simla District of the Punjab, shall also be in force in the aforesaid tract of land.
- (2) The Deputy Commissioner of the Simla District, the Commissioner of the <sup>4</sup>[Delhi] Division, the Financial Commissioner of the

<sup>1</sup> *Supra* pp. 429-433.

<sup>2</sup> Printed separately on this page.

<sup>3</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

<sup>4</sup> Now the Ambala Division.

Punjab, and the Lieutenant-Governor of the Punjab and its Dependencies for the time being, and the Chief Court of the Punjab, respectively, shall exercise within the aforesaid tract of land the same executive powers as they may respectively exercise within the British territories subject to their jurisdiction.

(3) \* \* \* \* \*

(4) Within the aforesaid tract of land the administration of police shall be vested in the District Superintendent of the Simla District, who shall exercise the same police powers as may be exercised by him under any law, rule, regulation, bye-law or order for the time being in force in the Simla Municipality, in subordination to the Deputy Commissioner of the Simla District, the Deputy Inspector-General of Police of the Ambala Circle, the Inspector-General of Police in the Punjab, and the Lieutenant-Governor of the Punjab and its Dependencies.

(5) Unless and until the Lieutenant-Governor of the Punjab so directs, the Punjab Municipal Act (Act XIII of 1884) and the regulations, rules, bye-laws, or orders made under the said Act shall not extend to the aforesaid tract of land.

<sup>2</sup>The Lieutenant-Governor of the Punjab may, by notification in the official *Gazette*, extend, with or without such modifications as he thinks fit, the whole or any part of the said Act, or of any regulations, rules, bye-laws, or orders made under the said Act to the aforesaid tract.

(6) All officers serving under the Lieutenant-Governor of the Punjab, who exercise any authority or jurisdiction within the limits of the said Municipality, shall, if required by the Deputy Commissioner of the Simla District, or the Commissioner of the <sup>3</sup>[Delhi] Division, also exercise such authority or jurisdiction within the aforesaid tract of land, in subordination to the same control that regulates the exercise of that authority or jurisdiction within the limits of the said Municipality.

<sup>1</sup> Printed on previous page.

<sup>2</sup> No. 3494-I., dated the 15th October 1885.—The powers conferred on the Lieutenant-Governor of the Punjab by the notifications of the Government of India, Foreign Department, No. 1516-I., dated the 15th May 1885, of extending with or without modifications the whole or any part of the Punjab Municipal Act, 1884, or any regulations, rules, bye-laws, or orders made under that Act, may be exercised from time to time as occasion requires.

(2) The Lieutenant-Governor may at any time revoke or vary a notification issued in exercise of the said power.

[*Gazette of India*, 1885, Pt. I, p. 584.]

<sup>3</sup> Now the Ambala Division.



## SCHEDULE.

The tract of land comprising an area of 49 acres, 1 pole, 27 yards, and delineated on the plan annexed to the lease executed by the Raja of Keonthal on the 24th October 1884.

[*Gazette of India*, 1885, Pt. I, p. 296.]

No. 1335-S., dated the 16th September 1885.—In exercise of the power delegated to him by the Governor-General in Council in the fifth clause of the notification of the Government of India, Foreign Department, No. 1516-I.<sup>1</sup>, dated the 15th May 1885, the Honourable the Lieutenant-Governor is pleased to extend, to the tract of land to which that notification relates, the Punjab Municipal Act, 1884, subject to the modifications herein-after mentioned, and the rules, regulations, bye-laws, and orders now in force in the Municipality of Simla, so far as those rules, regulations, bye-laws, and orders can be made applicable.

2. The modifications of the said Act are the following, namely :—

- (1) Unless there is something repugnant in the subject or context—
  - (a) "Municipality" shall mean the said tract of land ;
  - (b) "Local Government" shall mean the Government of the Punjab and its Dependencies ;
  - (c) "Official Gazette" shall mean the *Gazette* of that Government ; and
  - (d) "Commissioner" shall mean the Commissioner of the <sup>2</sup>[Delhi] Division.
- (2) A Municipal Committee shall not be established for the Municipality, but the Deputy Commissioner of Simla, for the time being, shall, within and for the Municipality, have all the powers of a Municipal Committee under the said Act, and all expressions in that Act referring to a Municipal Committee or to any member thereof shall, for the purpose of the said Act, be construed, so far as the nature of the case permits, as referring to the said Deputy Commissioner.
- (3) The Municipality shall be deemed to be a place in which a tax on buildings and lands not exceeding ten per cent. on the annual value may be imposed under section 39 of the said Act.
- (4) Notwithstanding anything in the said Act or in any rule, regulation, bye-law or order, octroi shall not be payable in the

<sup>1</sup> Printed p. 443, *supra*.

<sup>2</sup> Now the Ambala Division.

Municipality in respect of animals or goods on which octroi has been paid in the Municipality of Simla.

- (5) Notwithstanding anything in section 68 of the said Act, the said Deputy Commissioner may pay annually out of the Municipal Fund to the Municipal Committee of Simla and Raja of Keonthal such sums as the Local Government may direct.
- (6) The Municipal Fund shall be kept in the Government Treasury at Simla.
- (7) The tax at the rate of ten rupees per two thousand five hundred square yards, or fraction of two thousand five hundred square yards, referred to in section 177 of the said Act, may be imposed and assessed in the said tract of land, so far as may be by the procedure prescribed by the Act for the imposition and assessment of taxes on immovable property; and the tax when so imposed and assessed shall be leviable in addition to any other tax leviable under Act.

[*Punjab Government Gazette*, 1885, Pt. I-A, p. 82.]

Application of the  
Revenue Recovery  
Act, 1890.

*No. 1415-I., dated the 30th April 1890.*—Printed in Appendix XIV.

Publication of news-  
papers and other  
printed works.

*No. 2651-I., dated the 25th June 1891.*—Printed in Appendix XV.

Application of the  
Epidemic Diseases  
Act, 1897.

*No. 443-I.A., dated the 4th February 1897.*—Printed in Appendix XVI.

## CHAPTER X.

## UNITED PROVINCES.

The States in the political control of the Government of the United Provinces are :—

Agencies.	States.
<sup>1</sup> Rohilkhand . . . . .	Rampur.
<sup>1</sup> Kumaon . . . . .	Tehri (Garhwal).
<sup>1</sup> Benares . . . . .	Benares <sup>2</sup> .

In addition to the usual jurisdiction, which the political authorities possess over British subjects, Europeans and Americans, and Government servants, there is this further residuary jurisdiction in these States :—

- (a) In Tehri and Benares all sentences of death require confirmation by the Lieutenant-Governor.
- (b) In Tehri certain land-owners, known as the *muafidars* of Saklana, exercise jurisdiction in their villages in subordination to the Durbar, but subject to the proviso that in certain circumstances (*e.g.*, where the interests of the Raja are involved or where a *muafidar* is the accused) the Agent to the Governor may transfer cases, both Civil and Criminal, to the Courts of the Kumaon Division for adjudication and, further, has powers of revision where a decree of a *muafidar* is reversed or modified by the Chief Court of Tehri to which appeals lie from the *muafidars'* decisions.

The Raja of Tehri has leased certain forests to the British Government with power to take the steps necessary for their conservation which the Raja undertakes to enforce.

The Raja of Tehri has agreed to maintain an "Inner Line," in continuation of that <sup>3</sup> in the Almora, Garhwal, Spiti and Lahul Districts and in the Bashahr State (Punjab) to control communication with the country to the north-east as the Government of India may require.

There are no Administered Areas in these States.

The railways, which exist only in Rampur and Benares, are included in the Northern Division of Railways according to the classification in Volume V.

<sup>1</sup> The Commissioner of this Division is *ex-officio* the Political Officer for the State, and as such is styled Agent to the Lieutenant-Governor.

<sup>2</sup> The Benares State was created in 1911, *see* the Proclamation, dated the 1st April 1911, published in the *United Provinces Gazette*, 1911, Pt. VIII, p. 145.

<sup>3</sup> *See* footnote 1 on p. 433 *supra*.



## STATES IN THE UNITED PROVINCES.

The following British enactments are in force in the States in the United Provinces :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

*No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV. 28 Vict. c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix 53 and 54 Vict. c. 37.  
III.

IV.—Orders under Acts of the Governor-General in Council.

*No. 2033-I.B., dated the 26th September 1912.*—Printed in Appendix V.

Indian Christian  
Marriage Act, 1872.  
Delegation to the  
Lieutenant-Governor  
of powers under the  
Act in these States.  
Fees and Rules.

*No. 1586-E., dated the 29th August 1912.*—Printed in Appendix V.

*No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.  
(The Indian Arms Rules, 1909.)

Indian Arms Act,  
1878.  
Exemption of certain  
persons from certain  
prohibitions and  
directions contained  
in the Act.  
Rules regarding the  
export of arms and  
ammunition from,  
and their import into,  
British India.

*No. 2931-I., dated the 15th July 1891.*

*No. 656-I.B., dated the 14th March 1912.*

}—Printed in Appendix  
VIII.

Births, Deaths and  
Marriages  
Registration Act,  
1886.  
Appointment of—  
(a) Officers to be  
Registrars of  
Births and Deaths;  
(b) Registrar-General  
for the United  
Provinces to be  
Registrar-General.

*No. 1173, dated the 19th July 1888.*—Printed in Appendix VIII.

Fees and Rules.

*No. 341, dated the 11th August 1904.*—Printed *supra*, page 4.

Indian Foreign  
Marriage Act, 1903.  
Fees.

Indian Extradition  
Act, 1903.

Political Agent  
authorised to grant  
extradition for an  
act against the law  
of a State which in  
British India would  
constitute an offence  
under the Criminal  
Tribes Act, 1871.

*No. 3361-I.A., dated the 23rd December 1898.*—Printed in Appendix IX.

Rules under the Act.

*No. 1862-I.A., dated the 13th May 1904.*—Printed in Appendix IX.

Agent to the  
Lieutenant-Governor  
for Rampur invested  
with powers of  
Political Agent  
under the Act.\*

*No. 20-I., dated the 1st January 1891.*—Printed in Appendix IX.

Indian Universities  
Act, 1904.

Inclusion of States  
in the territorial  
limits of the  
Allahabad  
University.

*No. 717, dated the 20th August 1904.*—Printed in Appendix X.

Code of Civil  
Procedure, 1908.

Authority to  
sanction institution  
of suits and  
execution of decrees  
against Chiefs of  
States,

*No. 749-I.B., dated the 27th March 1912.*—Printed in Appendix XI.

Administrator-  
General's Act, 1874.

Inclusion of States  
in a territorial Divi-  
sion for the purposes  
of the Act.

*No. 855-I.B., dated the 16th April 1913.*—Printed in Appendix VI.

Exercise of powers  
and duties of a  
District Judge under  
the Act.

*No. 3542-I., dated the 27th August 1891.*—Printed in Appendix VI.

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\* The Agent to the Lieutenant-Governor for the Benares State exercises these powers *ex-officio* as he is Political Agent for the State according to the Instrument of Transfer.

## VI.—Orders relating to Courts.

- No. 1431-I., dated the 27th April 1893.*  
*No. 2115, dated the 7th November 1893.* } Printed in Appendix XIII. Execution of capital sentences in British India.
- No. 1863-I.A., dated the 13th May 1904.*—Printed in Appendix IV. Criminal law and procedure of British India applicable to British subjects in Native States.
- No. 853-I.B., dated the 16th April 1913.*—Printed in Appendix IV. Jurisdiction of the High Court at Allahabad over European British subjects in States in the United Provinces.
- No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV. Justices of the Peace to commit for trial to the High Court having jurisdiction.
- No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV. Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.
- No. 1883-I., dated the 7th July 1883.*  
*No. 866-I.B., dated the 18th April 1912.* } —Printed in Appendix IV. Appointments of Justices of the Peace for Rampur and Benares.
- No. 867-I.B., dated the 18th April 1912.*—Whereas the Governor-General in Council has in certain cases criminal jurisdiction within the State of Benares :

In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to issue the following orders with respect to such cases :—

- (1) The District Magistrate of Benares for the time being shall exercise, when employed in respect of such cases occurring within the limits of the said State, the powers of a District Magistrate, as defined in the Code of Criminal Procedure, 1898 (V of 1898).
- (2) He shall also exercise the powers of a Sessions Judge, as defined in the said Code, in respect of such cases occurring within the limits of the said State.
- (3) The Commissioner of Benares for the time being shall exercise the powers of a Sessions Judge, as described in the said Code,

- in respect of all offences over which magisterial jurisdiction is exercised by the District Magistrate of Benares. Provided that the District Magistrate shall not commit an accused person for trial to the Commissioner acting as a Sessions Judge.
- (4) The Commissioner of Benares for the time being shall also exercise the powers of a High Court, as described in the said Code, in respect of all offences over which magisterial jurisdiction or the jurisdiction of a Court of Session is exercised by the District Magistrate of Benares.
  - (5) In exercise of the jurisdiction of a Court of Session conferred on him by these orders, the District Magistrate of Benares may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by a Magistrate.
  - (6) A trial before the District Magistrate of Benares as Sessions Judge in the exercise of the jurisdiction conferred by these orders may be without jury or the aid of assessors.
  - (7) The aforesaid British Officers in the exercise of any jurisdiction delegated to them within the State of Benares are to be guided by the law of British India relating to offences and criminal procedure in so far as it is applicable.
  - (8) These orders apply to all proceedings except proceedings against European British subjects, or persons charged jointly with European British subjects.

[*Gazette of India*, 1912, Pt. I, p. 486.]

Service of summonses and execution of decrees of certain Courts of the Benares State by Courts in British India.

No. 1340-I.B., }  
No. 1341-I.B., } dated the 30th June 1911.—Printed in Appendix XII E.

Service of summonses and execution of decrees of Courts in British India by Courts of the Benares State.

No. 929-I.B., dated the 23rd April 1913.  
No. 2053-I.B., dated the 22nd September 1911. } —Printed in Appendix XIIC.



PART II.

CHAPTER XI—ASSAM.

MANIPUR.

Orders under Acts locally applied.

No. 5041-I.C., dated the 20th December 1906.—Printed in Appendix  
XVI.

Epidemic Diseases  
Act, 1897.

Delegation of  
powers to the Local  
Government.

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CHAPTER XII.

**BENGAL.**

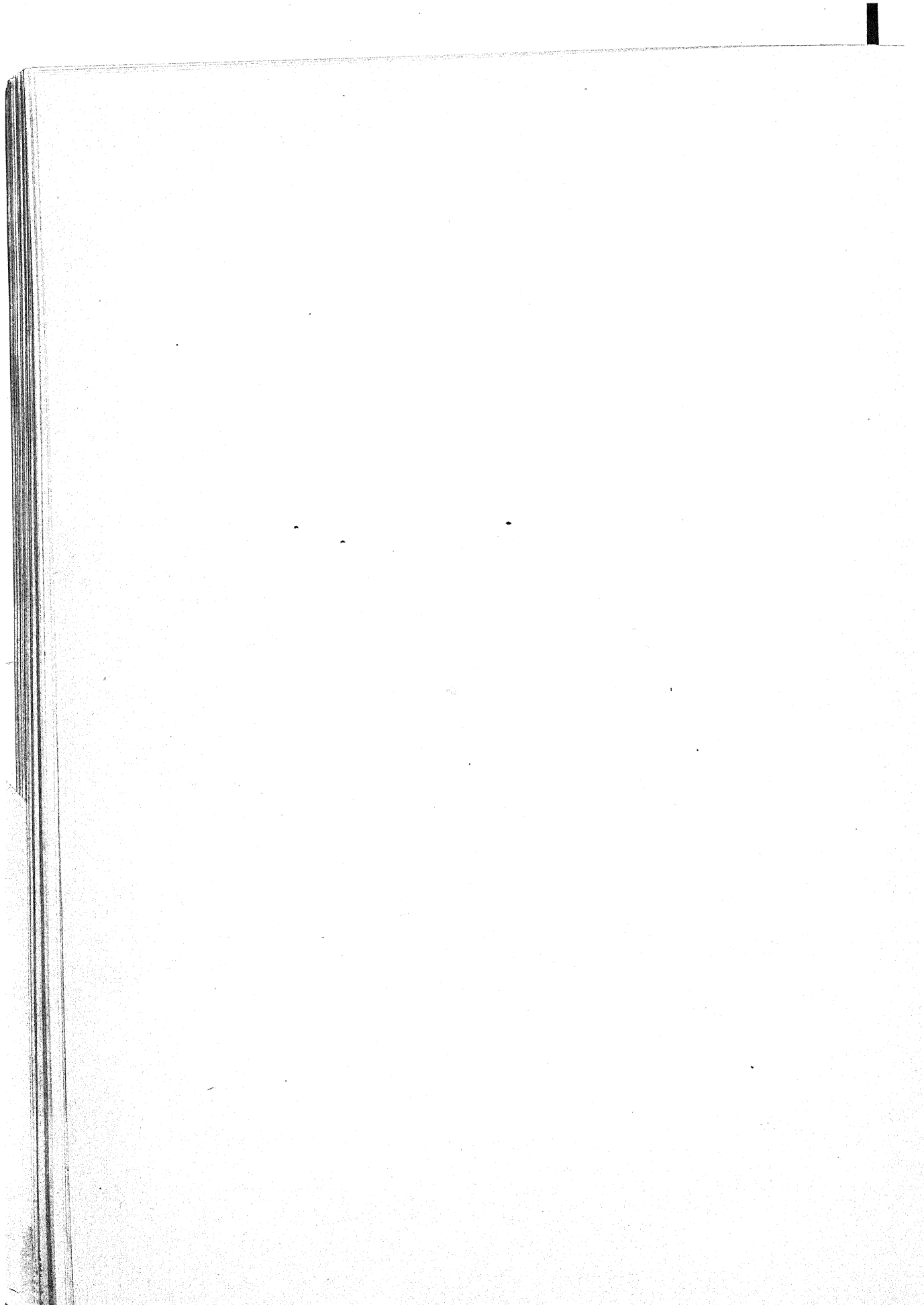
*Nil.*

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CHAPTER XIII.

BIHAR AND ORISSA.

*Nil.*



CHAPTER XIV—BOMBAY.

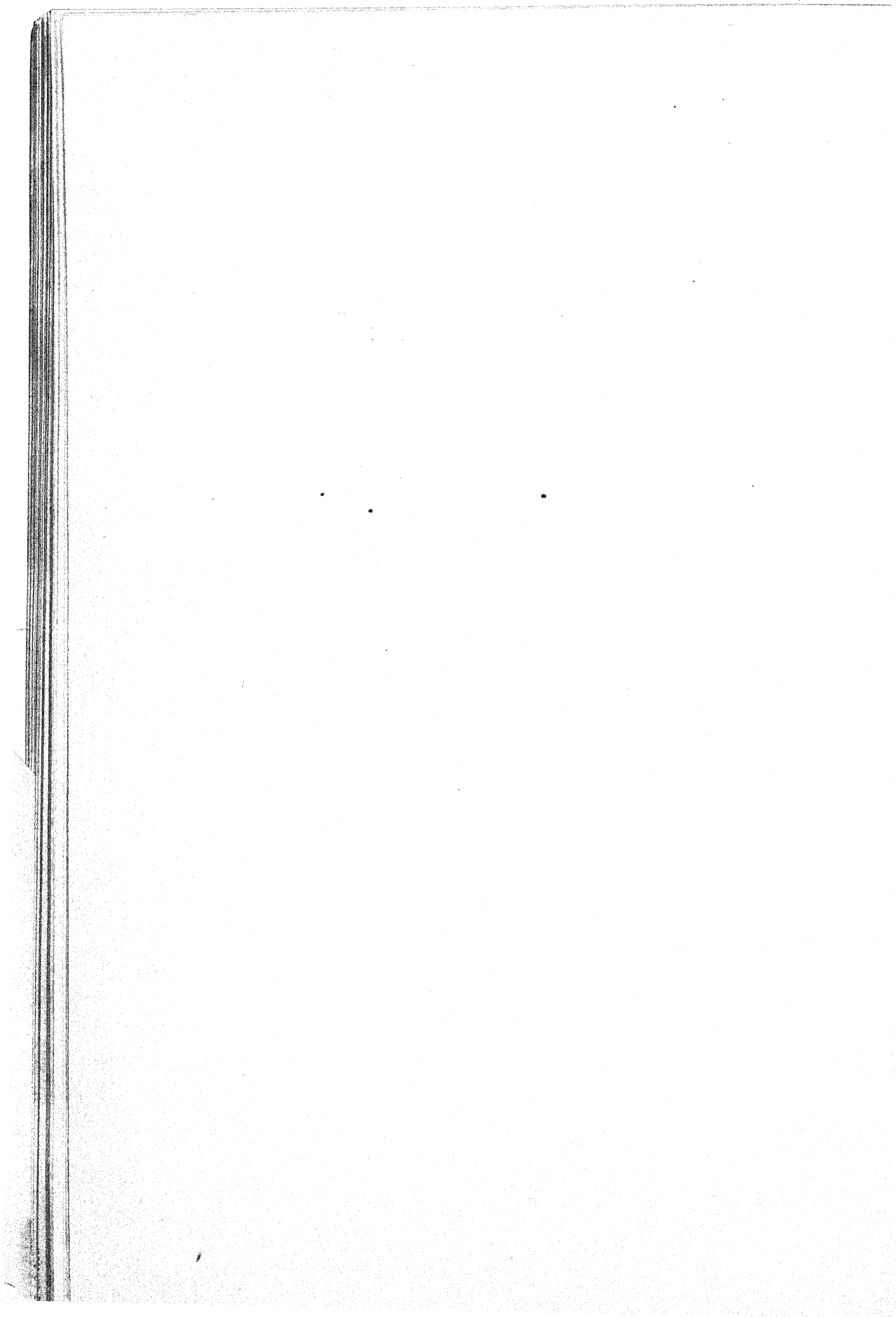
**NATIVE STATES.**

**Orders under Special Laws.**

*No. 5041-I.C., dated the 20th December 1906.*—Printed in Appendix  
XVI.

Epidemic Diseases  
Act, 1897.

Delegation of powers  
to the Governor of  
Bombay in Council.



## CANTONMENT OF DEESA.

## Orders under Acts locally applied.

Bombay Act II of 1874.

*No. 1062, dated the 21st February 1888.*—In supersession of Government notification No. 2087 of the 21st March 1885, and in the exercise of the powers conferred by sections 18, 21, 22A, 27, and 47 of (Bombay) Act II of 1874, as amended by Bombay Act I of 1887, which have been extended to the Cantonment of Deesa \* \* \* the Governor in Council is pleased—

Establishment and management of jail at Deesa.

- (1) to declare the lock-up at Deesa to be a Subordinate Jail, and that all convicts sentenced by the Criminal Courts at Deesa to periods of rigorous imprisonment not exceeding three months may be sent to undergo their sentences in the said Subordinate Jail;
- (2) to direct that convicts sentenced by the Criminal Courts at Deesa to transportation or to periods of rigorous imprisonment exceeding three months shall be sent to the said Jail, and shall thence be removed, at the earliest convenient opportunity, to the District Jail at Ahmedabad;
- (3) to direct that persons committed at Deesa for intermediate custody pending trial before a Court of Session shall be sent to the said Jail; and
- (4) to appoint the Cantonment Magistrate at Deesa to be *ex-officio* Superintendent of the said Jail.

[*Bombay Government Gazette*, 1888, Pt. I., p. 143.]

Bombay Abkari Act, 1878.

*No. 4136, dated the 15th June 1901.*—In exercise of the power conferred by section 5 of the Bombay Abkari Act, 1878, the Governor in Council is pleased to appoint the Cantonment Magistrate, Deesa, to exercise within the limits of that Cantonment all the powers and perform all the duties conferred and imposed by that Act on a Collector.

Cantonment Magistrate to be Collector for purposes of the Act.

[*Bombay Government Gazette*, 1901, Pt. I., p. 1012.]

*No. 2500, dated the 9th March 1908.*—In exercise of the powers conferred by section 19 of the Bombay Abkari Act, 1878 (Bom. V of 1887), as applied to the Cantonment of Deesa by Government notification in the Political Department, <sup>1</sup>No. 5287, dated the 30th July 1906, the Governor in Council is pleased to direct that, on and after the 1st April 1908, a duty of one rupee per Imperial gallon or six quart bottles shall be levied on all liquor

Duty on liquor imported into the Cantonment.

<sup>1</sup> Printed *supra*, p. 335.

of a strength 25° U.P., permitted to be imported into the Cantonment of Deesa under the provisions of section 9, clause (c), of the said Act.

[*Bombay Government Gazette*, 1908, Pt. I, p. 32.]

Epidemic Diseases  
Act, 1897.

Delegation of powers  
to the Governor of  
Bombay in Council.

No. 5041-I.C., dated the 20th December 1906.—Printed in Appendix  
XVI.

Indian Stamp Act,  
1899.

Exercise of powers  
under the Act.

No. 729, dated the 29th January 1907.—In exercise of the powers conferred by notification No. 1389-I.B., dated the 13th April 1906, by the Government of India in the Foreign Department, the Governor in Council is pleased to appoint the Cantonment Magistrate, Deesa, to be Collector, and the Commissioner, Northern Division, to be Chief Controlling Revenue Authority for the purposes of the Indian Stamp Act, 1899, and the rules under it as applied to the Cantonment of Deesa; \* \* \* \*

[*Bombay Government Gazette*, 1907, Pt. I, p. 174.]

Reduction and  
remission of duties.

No. 2020-I.B., dated the 14th October 1910.—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), as applied to the Cantonment of Deesa, and in supersession of all previous notifications issued from time to time with reference to the said Cantonment under the said clause of the said section, the Governor General in Council is pleased to reduce the duties chargeable under the said Act in respect of the instruments hereinafter described under Nos. 13, 19 and 20 to the extent mentioned in each case, and to remit the duties so chargeable in respect of instruments of the other classes hereinafter described.

#### A.—LAND REVENUE.

##### *General.*

1. Lease or counterpart thereof executed at the time of settlement made directly by the Government with the existing occupant of land, whether a zamindar or a tenant, and whether self-cultivating or not:

Provided that no fine or premium is paid in consideration of the lease.

#### B.—FOREST DEPARTMENT.

2. Agreement and security bond required to be executed, under the rules to regulate the training and appointments in the Subordinate Forest Service, by a student and his surety previous to his entry into the Imperial Forest School, Dehra Dun, or the Burma Forest School, Tharrawaddy.



## C.—POST OFFICE AND TELEGRAPH DEPARTMENT.

3. Letter which a person depositing money in a Post Office Savings Bank, as security to the Government or a local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required to address to the Postmaster in charge of the Post Office Savings Bank agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon.

4. Receipt given by, or on behalf of, a depositor in a Post Office Savings Bank for a sum of money withdrawn from any such Bank.

5. Receipt endorsed by the payee on a Postal Money Order.

6. Receipt given by the addressee for a deposit exceeding twenty rupees made for the payment of a reply to a telegraphic message.

## D.—GOVERNMENT OFFICERS AND CONTRACTORS.

7. Agreement paper passed by a contractor of the Supply and Transport Corps where his security deposit is transferred to a Post Office Savings Bank.

8. Instrument in the nature of a memorandum or agreement furnished to, or made or entered into with, a Supply and Transport Officer by a contractor.

9. Agreement or declaration by which a tender made to a Supply and Transport Officer is accepted as a contract where the deposit of the contractor as security for his contract is made in Government of India Promissory Notes or in cash.

10. Instrument in the nature of a memorandum\* [agreement or security bond] furnished to, or made or entered into with, the Ordnance Department, the Army Clothing Department, the Forest Department, or the Public Works or State Railway Department by a contractor for the due performance of his contracts.

11. Mortgage deed executed by an officer of Government in Civil or Military employ for securing the repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling house for his own use.

12. Instrument of reconveyance of mortgaged property executed by Government in favour of an officer in Civil or Military employ on the repayment

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\* See notification No. 2601-I.B., dated the 19th December 1912, which also cancelled this notification in so far as it was made for the Cantonment of Bhuj. *Gazette of India*, 1912, Pt. I, p. 1686.

of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling house for his own use.

13. Agreement which has been or may be entered into in compliance with the rules prescribed by the Resolution of the Government of India in the Finance Department (Military Finance), No. 2195-Accounts, dated the 25th October 1907, regulating the deposits of regimental funds with private banks or firms or such other rules for that purpose as may hereafter be in force. Duty reduced to the amount payable in respect of a bond for like amount or value or to Rs. 5, whichever shall be less.

#### E.—OTHER DOCUMENTS.

14. Receipt given for payment of interest on Government of India Promissory Notes.

15. Letter of authority or power of attorney executed for the sole purpose of authorising one or more of the joint-holders of a Government security to give on behalf of the other or others of them, or any one or more of them, a discharge for interest payable on such security or on any renewed security issued in lieu thereof.

16. Sanad of Jagir or other instrument conveying land granted to an individual by the Government otherwise than for a pecuniary consideration.

17. Instrument of exchange executed by a private person where land is given by him for public purposes in exchange for other land granted to him by the Government.

18. Transfer by endorsement of a mortgage of rates and taxes authorised by any Act for the time being in force in the Cantonments of Bhuj and Deesa.

19. Trust deed entered into in compliance with the rules for the time being in force in the Cantonment of Deesa regulating grants-in-aid made by the Government for building purposes to schools in the Cantonment. Duty reduced to the amount payable in respect of a bond for like amount or value, or to Rs. 15, whichever shall be less.

20. Instrument evidencing an agreement relating to the hypothecation of moveable property where such hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan, or of an existing or future debt. Duty reduced to the amount chargeable on a bill of exchange under Article No. 13(6) of Schedule of the Stamp Act, 1899, for the amount secured, if such loan or debt is repayable on demand or more than three months from the date of the instrument, and to half that amount if such loan or debt is repayable not more than three months from the date of the instrument.

21. Instrument executed in British India or the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the stamp law for the time being in force in British India or in the said areas has been paid in accordance with the said law.

#### SCHEDULE.

##### *Areas.*

1. Agency territories in Baluchistan.
  2. Abu and Anadra including the road leading from the Abu Sanitarium to Abu Road Railway Station and to the Bazar at Kharari.
  3. The Cantonments of Mhow, Neemuch, Nowgong (including the Civil Lines)\* [and Sehore] in the Central India Agency, and of Baroda.
  4. The Indore Residency Bazars.
  5. Railway lands within the limits of the Central India and Rajputana Agencies over which the Governor General in Council exercises jurisdiction.
  6. The areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad.
  7. Berar.
  8. The Civil and Military Station of Bangalore.
  - \*9. Railway lands in the Mysore State over which the Governor General in Council exercises jurisdiction.
  - \*10. Railway lands in the State and in States in the political control of the Government of Bombay, over which jurisdiction has been ceded to the British Government and to which the provisions of the Indian Stamp Act, 1899, have been applied.
  - \*11. Railway lands in Jammu and Kashmir and in States in the Punjab over which the Governor General in Council exercises jurisdiction.
- [*Gazette of India*, 1910, Pt. I, p. 1062.]

† No. 58-I.A., dated the 4th January 1907.—In exercise of the powers conferred by the Indian Stamp Act, 1899 (II of 1899), as applied to the Cantonment of Deesa, the Governor General in Council is pleased to make the following rules under the said Act for the said Cantonment :—

Rules as to the use of impressed and adhesive stamps, and their refund and renewal, etc.

#### RULES UNDER THE INDIAN STAMP ACT, 1899.

##### CHAPTER I.—PRELIMINARY.

1. In these rules, the expression "the Act" shall mean the Indian Stamp Act, 1899, as applied to the Cantonment of Deesa.

Definition.

\* See notification No. 2601-I.B., dated the 19th December 1912. *Gazette of India*, 1912, Pt. I, p. 1686.

† This notification in so far as it was made for the Cantonment of Bhuj was cancelled by the notification cited in footnote 1 above.

2. There shall be two kinds of stamps for indicating the payment of duty on instruments chargeable with duty under the Act, namely :—

Kinds of stamps.

- (a) impressed stamps, and
- (b) adhesive stamps.

#### CHAPTER II.—OF IMPRESSED STAMPS.

3. (1) Hundis, other than hundis which may be stamped with an adhesive stamp under section 11 of the Act, shall be written as follows, namely :—

Hundis.

- (a) A hundi payable otherwise than on demand, but not at more than one year after date or sight, and for an amount not exceeding rupees thirty thousand in value, shall be written on paper on which the necessary stamp bearing the word "Hundi" has been engraved or embossed.
- (b) A hundi for an amount exceeding rupees thirty thousand in value, or payable at more than one year after date or sight, shall be written on paper, supplied for sale by the Government, to which a label has been affixed by the Superintendent of Stamps at Bombay or Karachi and impressed by such officer in the manner hereinafter prescribed by rule 10.

(2) Every sheet of such paper shall be of a size not less than  $8\frac{3}{8} \times 5\frac{1}{8}$  inches, and no plain paper shall be joined to it.

(3) The provisions of sub-section (1) of rule 6 shall apply also in the case of hundis.

4. A promissory note or bill of exchange shall, except as provided by section 11 of the Act, and by these rules, be written on paper, on which the necessary stamp, with or without the word "Hundi," has been engraved or embossed.

5. Every other instrument chargeable with duty shall, except as provided by section 11 of the Act, be written on paper, on which the stamp, not bearing the word "Hundi," has been engraved or embossed.

Other instruments.

6. (1) Where two or more sheets of paper on which stamps are engraved or embossed are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

Provision where single sheet of paper is insufficient.

(2) Where a single sheet of paper, not being paper bearing an impressed hundi stamp, is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument :

Provided that in every such case the side of the sheet which bears the stamp shall be covered by a substantial part of the instrument before any part of the latter is written on the paper joined to such sheet.

7. The duty payable on any instrument which is chargeable with a duty of one anna under the Act may be

One anna impressed stamps.

denoted by a coloured impression marked on

a skeleton form of such instrument by the Superintendent of Stamps at Bombay or Karachi.

8. The Superintendents of Stamps at Bombay and Karachi are empowered

" The proper officer."

to affix and impress labels, and shall be deemed to be " the proper officer " for the

purposes of the Act and of these rules.

9. (1) Labels may be affixed and impressed by the proper officer in

Affixing and impressing of labels by proper officer permissible in certain cases.

the case of any of the instruments mentioned in Appendix A, and of the counter-parts thereof.

(2) Labels may likewise be affixed and impressed by the proper officer in the case of any of the instruments mentioned in Appendix B, when written in any European language, and accompanied, if the language is not English, by a translation into English.

10. (1) The proper officer shall, upon any such instrument, as is referred

Mode of affixing and impressing labels.

to in rule 9, being brought to him before it is executed, and upon application being

made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the same before returning the instrument to the applicant. In the case of instruments written on parchment, the labels shall be further secured by means of metallic eyelets.

(2) On affixing any label or labels under this rule, the proper officer shall, where the duty amounts to rupees five or upwards, write on the face of the label or labels his initials, and, where the duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the label or labels.

(3) Any principal assistant of the proper officer, if empowered by the Local Government in this behalf, may discharge the functions of the proper officer under sub-section (ii) of this rule.

11. (1) Instruments (other than instruments which, under section 11 of the Act, may be stamped with adhesive stamps) executed out of British India or the Cantonment of Deesa and requiring to be stamped after their receipt in the Cantonment of Deesa shall be stamped with impressed labels.

(2) Where any such instrument as aforesaid is taken to the Collector under section 18, sub-section (2), of the Act, the Collector shall send the instrument to the proper officer remitting the amount of duty paid in respect thereof; and the proper officer shall stamp the instrument in the manner prescribed by rule 10 and return it to the Collector for delivery to the person by whom it was produced.

### CHAPTER III.

#### OF ADHESIVE STAMPS.

12. Bills of exchange payable otherwise than on demand and drawn in sets, when the amount of duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

13. When any instrument of transfer of shares in a Company or Association is written on a sheet of paper on which the necessary stamp is engraved or embossed and the value of the stamp so engraved or embossed is subsequently, in consequence of a rise in the market value of such shares, found to fall short of the amount of duty chargeable under article 62 (a) of Schedule 1 to the Act, one or more adhesive stamps bearing the words "Share Transfer," as hereinafter prescribed, may be used to make up the amount required.

14. Except as otherwise provided by these rules, the adhesive stamp or stamps used to denote the duty of one anna shall bear the words "One anna" or "Half anna," as the case may be, and the adhesive stamp used to denote the duty of half an anna shall bear the words "Half anna"; and such stamp or stamps may be superscribed either for postage or for revenue or for both postage and revenue.

Special adhesive stamps to be used in certain cases.

15. The following instruments, when stamped with adhesive stamps, shall be stamped in the manner hereinafter prescribed, that is to say :

- (a) Bills of exchange, cheques, and promissory notes drawn or made out of the Cantonment of Deesa and chargeable with a duty of more than one anna shall be stamped with adhesive stamps bearing the words "Foreign Bill."
- (b) Transfers of shares of Public Companies and Associations shall be stamped with adhesive stamps bearing the words "Share Transfer."
- (c) Notarial Acts shall be stamped with adhesive foreign bill stamps bearing the word "Notarial."
- (d) Copies of maps or plans certified to be true copies shall be stamped with adhesive court-fee stamps.

#### CHAPTER IV.

##### MISCELLANEOUS.

16. When an instrument bears a stamp of sufficient amount, but of improper description, the Collector may, on payment of the duty which the same is chargeable, certify by endorsement on the instrument that it is duly stamped :

Provided that if application is made within three months of the execution of the instrument, and the Collector is satisfied that the improper description of stamp was used solely because of the difficulty or inconvenience of procuring one of proper description, he may remit the further payment of duty prescribed in this rule.

17. The Collector may require any person claiming a refund or renewal under Chapter V of the Act, or his duly authorised agent, to make an oral deposition on oath or affirmation, or to file an affidavit, setting forth the circumstances under which the claim has arisen, and may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in any such deposition or affidavit as aforesaid.

When an application is made for the payment, under Chapter V of the Act, of an allowance in respect of a spoiled or misused stamp, or on the renewal of a debenture, and an order is passed by the Collector sanctioning the allowance or calling for further evidence in support

Provision for cases in which improper description of stamp is used.

Evidence as to circumstances of claim to refund or renewal.

Payment of allowances in respect of spoiled or misused stamps or on the renewal of debentures.

of the application, then if the amount of the allowance or the stamp given in lieu thereof is not taken, or if the further evidence required is not furnished, as the case may be, by the applicant within one year of the date of such order as aforesaid, the application shall be struck off and the spoiled or misused stamp (if any) sent to the Superintendent of Stamps at Bombay or Karachi for destruction.

18. Where the Collector makes a refund under section 55 of the Act, he shall cancel the original debenture by writing on or across it the word "Cancelled" and his usual signature with the date thereof.

19. On the conviction of any offender under Chapter VII of the Act, the Collector may grant to any person who appears to him to have contributed thereto a reward within a limit to be fixed by the Local Government.

#### APPENDIX A.

*List of instruments referred to in rule 9 (1) of the rules.*

	Number of Article in Schedule 1 of the Act.
(a) Administration-bonds . . . . .	2
(b) Affidavits . . . . .	4
(c) Appointments made in execution of a power . . . . .	7
(d) Articles of Association of a Company . . . . .	10
(e) Articles of clerkship . . . . .	11
(f) Bills-of-lading . . . . .	14
(g) Charter-parties . . . . .	20
(h) Declaration of trust . . . . .	64A
(i) Instruments evidencing an agreement relating to (1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security) or (2) the pawn or pledge or hypothecation of moveable property . . . . .	6
(j) Leases printed or lithographed in an oriental language, when the written matter filled in does not exceed one-fourth of the printed matter . . . . .	35
(k) Memoranda of Association of Companies . . . . .	39
(kk) Mortgages of crops . . . . .	41
(l) Notes of protest by Masters of Ships . . . . .	44
(m) Policies of insurance . . . . .	47
(n) Revocations of trust . . . . .	64B



APPENDIX A—*contd.**List of instruments referred to in rule 9 (1) of the rules—contd.*

	Number of Article in Schedule 1 of the Act.
(o) Share-warrants issued by a Company in accordance with section 30 of the Indian Companies Act, 1882 (VI of 1882), other than share-warrants issued before the fourteenth day of November 1890, with adhesive stamps bearing the words "Share Transfer" and denoting the full amount of duty payable thereon, which share-warrants shall be held to have been duly stamped	59
(p) Warrants for goods	65

## APPENDIX B.

*List of instruments referred to in rule 9 (2) of the rules.*

	Number of Article in Schedule 1 of the Act.
(a) Agreements or memoranda of agreements which, in the opinion of the proper officer, cannot conveniently be written on sheets of paper on which the stamps are engraved or embossed	5
(b) Instruments engrossed on parchment and written in the English style, which, in the opinion of such officer, cannot conveniently be written on sheets or paper on which the stamps are engraved or embossed	...
(c) Awards	12
(d) Bills-of-exchange payable otherwise than on demand and drawn in the Cantonment of Deesa	13 (b) and (c).
(e) Bonds	15, 16, 26, 34, 56 and 57.
(f) Certificates of sale	18
(g) Composition deeds	22
(h) Conveyances	23
(i) Instruments imposing a further charge on mortgaged property	32
(j) Instruments of apprenticeship	9
(k) Instruments of co-partnership	46A
(l) Instruments of dissolution of partnership	46B
(m) Instruments of exchange	31
(n) Instruments of gift	33
(o) Instruments of partition	45
(p) Leases	35

APPENDIX B—*contd.*

*List of instruments referred to in rule 9 (2) of the rules—contd.*

	Number of Article in Schedule I of the Act.
(g) Letters of license . . . . .	38
(r) Mortgage-deeds . . . . .	40
(s) Powers-of-attorney . . . . .	48
(t) Reconveyances of mortgaged property . . . . .	54
(u) Releases . . . . .	55
(v) Settlements . . . . .	58
(w) Transfers of the description mentioned in Article 62, clauses (c), (d) and (e) of Schedule I of the Act . . . . .	62 (c), (d) and (e)

[ *Gazette of India*, 1907, Pt. I, p. 10.]

The Cantonments  
(House Accommoda-  
tion) Act, 1902.  
Operation of the Act.

No. 3279, dated the 19th May 1904.—In exercise of the powers conferred by section 3 of the Cantonments (House Accommodation) Act, 1902 (II of 1902), as applied to the Cantonment of Deesa by notification<sup>1</sup> No. 3278 of this date, and with the previous sanction of the Governor General in Council, the Governor in Council is pleased to declare the said Act to be operative throughout the said Cantonment.

[ *Bombay Government Gazette*, 1904, Pt. I, p. 632.]

Indian Registration  
Act, 1908.  
Registration  
Establishment.

No. 2734-I, dated the 5th July 1888.—With reference to sections 4, 5, 6 and 7 of the Indian Registration Act III of 1877<sup>2</sup>, as extended to the Cantonment of Deesa, the Governor General in Council is pleased to make the following orders:—

- (1) All the powers and duties conferred and imposed by the Act on the Inspector-General of Registration shall be exercised and performed within the Cantonment of Deesa by the Inspector-General of Registration of the Bombay Presidency.
- (2) For the purposes of the Act, the Cantonment of Deesa shall form a District and also a Sub-district.
- (3) The Political Superintendent of Palanpur for the time being shall be the Registrar and the Cantonment Magistrate of Deesa for the time being the Sub-Registrar of the said district, respectively.

<sup>1</sup> See now notification No. 5287, dated the 30th July 1906. Printed p. 335 *supra*.

<sup>2</sup> See now the Indian Registration Act, 1908 (XVI of 1908), as applied, *supra* p. 340.

- (4) The office of the Political Superintendent of Palanpur for the time being shall be the office of the Registrar and the office of the Cantonment Magistrate of Deesa for the time being that of the Sub-Registrar.<sup>1</sup>

\* \* \* \* \*

[*Gazette of India*, 1888, Pt. I, p. 307.]

No. 6369, dated the 21st September 1888.—In exercise of the powers conferred by Government of India's notification No. 402-I. of 1885, \* \* \* His Excellency the Governor in Council is pleased under section 7 of the Indian Registration Act, 1877, to direct that on and after 1st October 1888, the office of the Sub-Registrar of Deesa Registration Sub-district, as declared by Government of India's notification No. 2734-I. of 1888. \* \* \* shall be amalgamated with the office of the Registrar of the Registration District of Deesa, as declared in the said notification.

2. His Excellency the Governor in Council is further pleased under the said section to authorize the Sub-Registrar of Deesa to exercise and perform, in addition to his own duties, all the powers and duties of the said Registrar of Deesa, except the power of hearing appeals.

[*Bombay Government Gazette*, 1888, Pt. I, p. 771.]

<sup>2</sup> No. 350, dated the 8th March 1910.

#### *The Schedule.*

1. The Cattle Trespass Act, 1871 (I of 1871), section 24.
  2. The Opium Act, 1878 (I of 1878), section 9.
  3. The Indian Arms Act, 1878 (XI of 1878), sections 19, 20, 22 and 23.
  4. The Bombay Abkari Act, 1878 (Bom. V of 1878), sections 43 and 48.
  5. The Indian Telegraphs Act, 1885 (XIII of 1885), sections 24 and 25.
  6. The Bombay District Police Act, 1890 (Bom. IV of 1890), sections 62, 70 and 71.
  7. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890), sections 3, 4 and 5.
  8. The Prisons Act, 1894 (IX of 1894), section 42.
  9. The Indian Post Office Act, 1898 (VI of 1898), sections 61, 62 and 63.
- [*Gazette of India*, 1910, Pt. I, p. 234.]

Whipping Act,  
1909.

Special offences for  
which whipping  
may be awarded.

<sup>1</sup> But see the next notification.

<sup>2</sup> This notification was applied, with the reduced Schedule here printed, by notification No. 2382, dated the 14th April 1913, issued by the Governor of Bombay in Council in the exercise of powers under the Indian (Foreign Jurisdiction) Order in Council, 1902. *Bombay Government Gazette*, 1913, Pt. I, p. 588.

Cantonments Act,  
1910.

Cantonment  
Magistrate to be  
Judge of the Small  
Cause Court.

*No. 1373, dated the 8th March 1892.*—In supersession of Government notification No. 932, dated the 16th ultimo, and in exercise of the power conferred by section 8 of the Cantonments Act, XIII of 1889<sup>1</sup>, as applied to the Military Cantonment of Deesa, His Excellency the Governor in Council is pleased to appoint the Cantonment Magistrate of Deesa for the time being to be the judge of the Court of Small Causes in the said Cantonment, and to declare that the value of the suits which are to be cognizable by him as such Judge shall not exceed Rs. 500.

[*Bombay Government Gazette*, 1892, Pt. I, p. 243.]

Levy of octroi and  
license fees.

Imposition of  
property rates and  
conservancy rate.

<sup>2</sup> *No. 486, dated the 25th September 1882.*—Not re-printed.

*No. 340, dated the 18th July 1888.*—In exercise of the powers conferred by section 21 of the Cantonments Act, 1880<sup>1</sup>, the Governor in Council is pleased with the previous sanction of the Governor General in Council to impose from the \* August 1888, the following taxes in the Cantonment of Deesa, in supersession of the property and conservancy rates imposed by Government Order No. 486 of 25th September 1882, published at pages 756-757 of the *Bombay Government Gazette* for 1882, Part I:—

#### *I.—Property Rates.*

(1) A consolidated rate of 4 per centum per annum on the annual value of houses, buildings and lands for the following purposes:—

- (a) Two per centum for general purposes and for the protection from fire of those parts of the cantonment which are not so protected by regimental or other special arrangements;
- (b) One per centum towards defraying the cost of the maintenance of the Police force of the cantonment;
- (c) One per centum for the purpose of lighting: Provided that the said consolidated rate shall not be leviable in respect of any hut or other building, the annual value of which does not exceed Rs. 12-8, and that the minimum annual amount of the said consolidated rate leviable in respect of any hut or other building the annual value of which exceeds Rs. 12-8 shall be Re. 1.

<sup>1</sup> See now the Cantonments Act, 1910 (XV of 1910), as applied, *supra* p. 340.

<sup>2</sup> *Bombay Government Gazette*, 1882, Pt. I, p. 756. This notification has been superseded by No. 340, dated the 18th July 1888, printed on this page, as regards the levy of property and conservancy rates, and is now under further revision.

\* *Sic.*

(2) A conservancy rate of the following monthly amounts, *viz.* :—

*In the limits of the bazar.*

(a) For houses to which no privy is attached—

If the annual value exceeds Re. 1, but does not exceed Rs. 3. . . . .  $\frac{1}{2}$  anna.

If the annual value exceeds Rs. 3, but does not exceed Rs. 25 . . . . . 2 annas.

If the annual value exceeds Rs. 25 . . . . . 4 „

(b) For houses, buildings or holdings to which a privy is attached—

If the annual value does not exceed Rs. 20 . 4 annas per privy.

If the annual value exceeds Rs. 20, but does not exceed Rs. 75 . . . . . 8 „ „

If the annual value exceeds Rs. 75, but does not exceed Rs. 100 . . . . . 12 „ „

If the annual value exceeds Rs. 100, but does not exceed Rs. 150 . . . . . Re. 1 per privy.

If the annual value exceeds Rs. 150 . . . . . Rs.  $1\frac{1}{2}$  per privy.

(c) For every cess pool appertaining to any house, building or holding which is unconnected with or detached from the privy, if any, attached to such house, building or holding —

If the annual value of such house, building or holding does not exceed Rs. 50 . 6 annas.

If the annual value of such house, building or holding exceeds Rs. 50. { Such amount as the Cantonment Magistrate, with the approval of the Cantonment Committee, shall from time to time fix in consideration of the duties to be performed in respect of each cess pool.

NOTE.—The conservancy rate under clause (c) for cess pools will be leviable in addition to the conservancy rate leviable under clause (c) or clause (b).

*In the limits of the lines.*

(d) For each bungalow or other building with one or more privies attached, of which the annual value does not exceed Rs. 480 . . . . . Re. 1

(e) For each bungalow or other building with one or more privies attached, of which the annual value exceeds Rs. 480 . . . . . Rs.  $1\frac{1}{2}$

- (f) For each bungalow or other building with one or more privies attached of which the annual value exceeds Rs. 720 . . . . . Rs. 2

*In the Cantonment generally.*

- (g) For every hotel, club, mess-house, or other buildings or premises which the Cantonment Magistrate, with the approval of the Cantonment Committee, shall deem fit to exclude from the foregoing classification, such amount as the Cantonment Magistrate, with the approval of the Cantonment Committee, shall from time to time fix in consideration of conservancy duties to be performed for such hotel, etc.

Provided that in the limits of bazars, the Cantonment conservancy establishment shall perform for houses, buildings and lands in respect of which the conservancy rate aforesaid is levied, all the duties usually performed by halalkhors.

[*Bombay Government Gazette*, 1888, P. I, p. 607.]

Imposition of a dog tax.

No. 445, dated the 2nd September 1889.—In exercise of the powers conferred by section 21 of the Cantonment Act, 1880<sup>1</sup>, His Excellency the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to impose, in the Cantonment of Deesa, the following tax in addition to all taxes now leviable in that Cantonment :—

Nature of tax.	Amount.
For every dog of the age of six months or more, payable by the person owning or having charge of such dog within the limits of the Cantonment.	One Rupee per Calendar year.

Provided that no such tax shall be leviable in this Cantonment—

- (a) from any warrant officer or from any non-commissioned officer or soldier of His Majesty's Regular forces, or
- (b) from any person not residing for more than thirty days in the year within the limits of the Cantonment.

[*Bombay Government Gazette*, 1889, Pt. I, p. 760.]

<sup>1</sup> See now the Cantonments Act, 1910 (XV of 1910), as applied, *supra* p. 340.

No. 487, dated the 25th September 1882.—In exercise of the powers conferred by section 22 of the Cantonments Act, 1880<sup>1</sup>, and with reference to the last preceding notification,<sup>2</sup> imposing certain taxes in the Cantonment of Deesa, the Governor in Council is pleased to apply to the said Cantonment the provisions of the said enactments and rules specified in the first column of the schedule hereto annexed, for the assessment and recovery of the said taxes, in the adapted form set forth in the second column of the said schedule.

The said provisions, as so adapted, may be cited as "The Deesa Cantonment Taxation Regulations."

*Schedule.*

Not reprinted.<sup>3</sup>

[Bombay Government Gazette, 1882, Pt. I, p. 758.]

No. 446, dated the 2nd September 1889.—In exercise of the powers conferred by section 22 of the Cantonment Act, 1880<sup>1</sup>, and with reference to the last preceding notification<sup>4</sup> imposing a dog tax in the Cantonment of Deesa, His Excellency the Governor in Council is pleased to apply and adapt to the said Cantonment the following rule and enactment for the assessment and recovery of the said tax :—

*Rules of the Suburban Municipality of Poona for the assessment and recovery of the dog tax sanctioned by Government Resolution No. 1665, Revenue Department, of 19th May 1888.*

Section 84 of Bombay Act VI of 1873.

A tax of one rupee payable each calendar year shall be levied in respect of every dog six months old and upwards kept within Cantonment limits. Owners and persons having charge of dogs shall pay the tax either in person or by agent at the office of the Cantonment Magistrate and take out a license on or before the 1st day of March in each year for which the tax is leviable.

<sup>1</sup> See now the Cantonments Act, 1910 (XV of 1910), as applied, *supra* p. 340.

<sup>2</sup> The notification referred to is No. 486, dated the 25th September 1882, see footnote 2 on p. 474, *supra*.

<sup>3</sup> These regulations are identical with the Baroda Cantonment Taxation Regulations printed Vol. II, page 126, except in the following points :—

(i) In (Baroda) rule 6 for the notification quoted substitute "No. 486, dated the 25th September 1882."

(ii) In the proviso to (Baroda) rule 9 for the words from "half instalment" to the end substitute the words "instalment due for the second-half of the year shall be leviable."

<sup>4</sup> See notification No. 445 of the same date printed p. 476, *supra*.

In default of such payment, the tax shall, upon information laid before a Magistrate, be recoverable by a summary proceeding in the manner provided in the Code of Criminal Procedure.

[*Bombay Government Gazette*, 1889, Pt. I, p. 760.]

Exemption from tax on cycles.

*No. 4532-I.A., dated the 10th October 1902.*—In exercise of the powers conferred by section 20, sub-section (1) of the Cantonments Act, 1889 (XIII of 1889)<sup>1</sup>, as applied to the Cantonments of \* \* \* Deesa \* \* \* the Governor General in Council is pleased to exempt all warrant officers, non-commissioned officers and soldiers of the regular forces from the operation of any tax which may be for the time being imposed on cycles in the said cantonments.

[*Gazette of India*, 1902, Pt. I, p. 738.]

Penalty for withholding or falsifying information regarding liability to taxation.

*No. 820, dated the 2nd October 1908.*—In exercise of the powers conferred by section 25 of the Cantonments Act, 1889 (XIII of 1889)<sup>1</sup>, as applied to the Cantonment of Deesa by Bombay Government notification in the Political Department, No. 5287, dated the 30th July 1906, the Governor General in Council is pleased to extend to the Cantonment of Deesa the provisions of sub-section (2) of section 67 of the United Provinces Municipalities Act, 1900 (United Provinces Act I of 1900), in the adapted form set forth below :—

“ If any person, when called upon, omits to furnish information regarding his liability to taxation, or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.”

[*Gazette of India*, 1908, Pt. I, p. 899.]

Penalty for evasion of payment of octroi.

*No. 2196-I. A., dated the 4th August 1899.*—In exercise of the power conferred by section 27, sub-section (1) of the Cantonments Act, 1889 (XIII of 1889)<sup>1</sup>, as applied to the Cantonment of Deesa by the notification of the Government of India in the Foreign Department, No. 1377-I., dated the 25th April 1890, the Governor General in Council is pleased to declare that section 70 of the Punjab Municipal Act, 1891 (XX of 1891), which was extended to the Cantonment of Jullundur in British India by the notification of the Government of India in the Military Department, No. 551, dated the 15th May 1896 \* \* \* shall be deemed to be in force in the said Cantonment of Deesa, subject to the following modifications, namely, that the expressions “ Municipality ” and “ Committee ” in the said section shall be construed

<sup>1</sup> See now the Cantonments Act, 1910 (XV of 1910), as applied, *supra* p. 340.



as referring to the said Cantonment of Deesa and to the Cantonment Committee thereof, respectively.

[*Gazette of India*, 1899, Pt. I, p. 721.]

No. 819, dated the 2nd October 1908.—In exercise of the powers conferred by sub-section (1) of section 27 of the Cantonments Act, 1889 (XIII of 1889)<sup>1</sup>, as applied to the Cantonment of Deesa by Bombay Government notification in the Political Department, No. 5287, dated the 30th July 1906, the Governor General in Council is pleased to declare the following rules for licensing, controlling and regulating the practice of brokers, measurers and weighmen, which are adapted from those made under section 26 of the said Act for the Cantonment of Saugor, and published in the notification of the Government of India in the Army Department, No. 177, dated the 1st March 1907, to be in force in the Cantonment of Deesa, namely :—

Rules relating to  
brokers, measurers  
and weighmen.

#### *Rules.*

1. No person shall practise in any public place as a broker, measurer or weighman, without having previously obtained from the Cantonment authority a license authorising him so to practise, and unless such license is still in force. In case of breach of this rule, the offender shall, on conviction before a Magistrate, be liable to a fine which may extend to Rs. 50.

Licenses once granted, and not suspended or cancelled, may be renewed from year to year by the Secretary to the Cantonment Committee subject to report of such renewal to the Cantonment authority.

2. No person convicted of an offence under Chapter XIII or under Chapter XVII of the Indian Penal Code, and no person who, on conviction of any offence, has been punished with imprisonment shall, while such conviction remains in force, be licensed to practise as a broker, measurer or weighman.

3. No person shall be licensed to practise as a broker, unless he is able to read and write. But this rule shall not apply to any person who, at the time when these rules came into force, is practising as a broker in the Deesa Cantonment.

4. No person shall be licensed to practise as a measurer or weighman unless he is in possession of weights and measures, verified and stamped by order of the Cantonment authority under section 286(1), Cantonment Code<sup>2</sup>,

<sup>1</sup> See now the Cantonments Act, 1910 (XV of 1910), as applied, *supra* p. 340.

<sup>2</sup> See now the Cantonment Code of 1912, as applied, *infra*, p. 484.

1889. Such weights and measures shall be produced by the licensee for inspection on demand made at any reasonable time by any member of the Cantonment Committee, or by any officer or servant of the Cantonment Committee who is in receipt of a monthly salary of not less than seven rupees, and who has been duly empowered by the Cantonment authority in this behalf, or by any Police Officer above the rank of Constable.

5. Every person licensed to practise as a broker shall keep, or cause to be kept, regular and accurate accounts of all his dealings as a broker in a bound book, which shall be supplied to him at his expense by the Cantonment authority. The pages of such book shall be numbered consecutively in the office of the Secretary to the Cantonment Committee, and the first and last pages of such book shall be signed by the Secretary, who shall certify to the number of pages contained in such book. The book shall be produced by the licensee for inspection on demand made at any reasonable time by any member of the Cantonment Committee or by any officer or servant of the Cantonment authority who is in receipt of a monthly salary of not less than seven rupees, and who has been duly empowered by the Committee in this behalf.

6. The Committee shall frame—

- (a) a scale of fees payable by licensees under these rules ;
- (b) a scale of rates at which licensees may charge for their services.

The Cantonment authority may from time to time make alterations in scales so fixed.

7. No broker, measurer or weighman shall charge or endeavour to obtain payment for his services, at a higher or lower rate than that prescribed under rule 6. The licensee's charge shall be payable by the seller or by the purchaser, according to the agreement made in each case. In the absence of any special agreement the charge shall be borne half by the seller and half by the purchaser.

8. Licenses under these rules, unless suspended or cancelled, shall be in force from the 1st of April of the year in which they are granted up to the 31st March of the ensuing year. Licenses granted on any date subsequent to the 1st April shall continue in force up to the 31st March following, and no longer.

9. Every license shall be in the vernacular, in the form appended, and shall be signed by the Secretary to the Cantonment Committee. Licenses are not transferable. The terms of every license granted under these rules shall be fully explained to the licensee, at the time when it is granted by the

Secretary to the Cantonment Committee or by some servant of the Cantonment authority appointed by the Secretary for the purpose, and a copy in the vernacular of the rules and of the rates of charges fixed under rule 6 (b) shall be supplied to him with the license. Licenses shall be given in the form appended to these rules.

10. Copies in the vernacular of the rates prescribed under rule 6 (b) shall be suspended at such public offices or places as the Cantonment authority may think requisite for their due publication. No alteration in rates shall take effect until notice of the proposed alteration has been posted up at the above mentioned offices or places for a period of at least 15 days.

11. The Cantonment authority may, for good and sufficient reason, refuse to grant a license under these rules, and may, for misconduct and non-compliance with the requirements of these rules on the part of the licensee, or for any other good and sufficient reason, suspend or cancel a license so granted. Such suspension or cancellation shall not entitle the licensee to any refund of fees paid on account of such license.

12. Every order of the Cantonment authority refusing the grant of a license under these rules or cancelling or suspending a license so granted shall be recorded in writing by the Secretary to the Committee, and shall contain a brief statement of the reasons for the decision of the Committee. A copy of such order shall be supplied free of cost to the person thereby affected on application by him to the Committee.

13. The Cantonment authority shall at the time of granting a license to a weighman or measurer under these rules cause to be supplied to him a suitable badge of office. A fee not exceeding one rupee shall be paid by the licensee for such badge when first supplied or on renewal, when it becomes unserviceable. No weighman or measurer shall practise his calling in any public place without such badge, which must always be conspicuously worn by him while so practising his calling. Such badges are not transferable.

14. Every licensee under these rules shall, when practising his calling, produce his license, badge, or both, as the case may be, for inspection on demand made at any reasonable time by any member of the Cantonment Committee or by any officer or servant of the Cantonment authority who is in receipt of a monthly salary of not less than seven rupees, and who has been duly empowered by the Cantonment authority in this behalf.

15. Every licensee under these rules shall deliver up to the Cantonment authority the license granted to him on its expiry, suspension or cancellation. When a license is so delivered up, the badge supplied to the licensee by the Cantonment authority in accordance with the provisions of rule 13, shall also

be surrendered. But on renewal or restoration of the license, the badge, if still serviceable, shall be returned to the licensee free of charge.

16. If after issue of any license or badge granted under these rules, such license or badge is lost or destroyed, the licensee shall not practise in any public place as a broker, measurer or weighman until he has, on application to the Cantonment authority, obtained a fresh license or badge. If the Cantonment authority is satisfied that such license or badge has been accidentally lost or destroyed, a fresh license or badge may be issued by the Committee to the licensee in place of it, on payment in either case of an additional fee of eight annas. Every license so issued shall have the word "duplicate" written in large letters across it in red ink.

17. No licensee under these rules, while practising his calling in any public place, shall, without reasonable cause, refuse to transact business for any person calling on him to do so.

18. The following Acts are included in the term "misconduct" within the meaning of rule II :—

- (a) Taking part in a combination to enhance or reduce the prices of goods, or to divert traffic from the Cantonment markets.
- (b) Intentional betrayal by a licensee of the interests of any person employing him or connivance in any fraud against persons not employing him.
- (c) The purchase or sale of goods, by a licensee on his own account, while in the exercise of his calling.
- (d) Interference by a licensee between buyers and sellers, when his services are unsought, or the demand of payment from any person who has not employed him.
- (e) Demand by a licensee from any person employing him of any charge not authorised by rule 6.

#### APPENDIX.

##### *Form of license for a Broker or Weighman.*

(No. 9 of the Rules for licensing Brokers, Measurers or Weighmen.)

(To be maintained in duplicate, the bound copy being retained in the Cantonment office for record.)

caste

resident of

is hereby authorised to practise as a

in all

public places within the limits of the Deesa Cantonment. This license shall not be in force after 31st March.

*Not transferable.*

The attention of the licensee is drawn to the rules (non-compliance with which may entail cancellation of the license under rule 11) and the rates of charges fixed under rule 6 (b), copies of which have been supplied to him with this license.

The sum of Rs.                      has been paid on account of this license.

*Dated*

*Secretary, Cantonment Committee.*

[*Gazette of India*, 1908, Pt. I, p. 899.]

No. 368-I.A., dated the 29th January 1897.—In exercise of the powers conferred by section 27 of the Cantonments Act (XIII of 1889)<sup>1</sup>, as applied to the Cantonment of Deesa by the notification of the Government of India in the Foreign Department, No. 1377-I., dated the 25th April 1890, the Governor-General in Council is pleased to declare that the provisions of section 434, sub-section (1), and section 473 of the City of Bombay Municipal Act (III Bo. C. of 1888), as extended to the Cantonment of Kirkee by the notification of the Government of India in the Military Department, No. 87, dated the 22nd January, 1897, shall be in force in the Cantonment of Deesa, in the modified form set forth below, namely :—

Rules relating to dangerous diseases.

“(1) In the event of the Cantonment of Deesa being at any time visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof, the General Officer of the Command, if he thinks that the provisions of the law at the time in force are insufficient for the purpose, may, with the previous sanction of the Governor of Bombay in Council,—

(a) take such special measures, and

(b) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he may think necessary to prevent the outbreak of such disease or the spread thereof.

(2) Whoever commits a breach of any such temporary regulation prescribed as aforesaid shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code as applied to the Cantonment of Deesa by the notification of the Government of India in the Foreign Department,<sup>2</sup> No. 403-I., dated the 4th February 1885.”

[*Gazette of India*, 1897, Pt. I, p. 62.]

<sup>1</sup> See now the Cantonments Act, 1910 (XV of 1910), as applied, *supra*, p. 340.

<sup>2</sup> See now notification No. 5287, dated the 30th July 1906. Printed p. 335, *supra*.

Application of the  
Cantonment Code,  
1912.

*No. 1412-I.B., dated the 4th July 1912.*—In exercise of the powers conferred by section 25, sub-section (1), of the Cantonments Act, 1910 (XV of 1910), as applied to the Cantonment of Deesa, and in supersession of the notifications of the Government of India in the Foreign Department, Nos. 3550-I.A. and 1834-I.A., dated, respectively, the 21st November 1896, and 10th May 1901, the Governor-General in Council is pleased to declare that the Cantonment Code, 1912, published with the notification of the Government of India in the Army Department, No. 192, dated the 1st March 1912, shall be in force in the said Cantonment, subject to any amendments to which the Code is for the time being subject in British India, and subject also to the following modifications and restrictions, namely :—

1. Section 3, sub-section (1), clause (b), section 10, sub-section (2), section 13, sub-sections (2) and (3), and section 16 shall be omitted.
2. In section 14, sub-section (1), clause (d), the words and figures "other than one which has been referred to the Local Government under section 13, sub-section (2)" shall be omitted.
3. In section 15, clause (b), the words and figures "reported to him under section 13, sub-section (2) or" shall be omitted.
4. In section 199 for the words "District Magistrate" the words "Officer Commanding at Deesa" shall be substituted.
5. In section 233, after the word "Division" the word "or" shall be inserted, and the words "or the District Magistrate" shall be omitted.
6. In section 248, sub-section (2), section 253, sub-section (2), section 254, clause (a), section 255, clause (a), section 258, and the third column of Schedule V, for the words "District Magistrate" wherever they occur, the words "Political Agent, Palanpur," shall be substituted.

Indian Airships Act,  
1912.

Prohibition of  
navigation over  
Deesa Cantonment.

[*Gazette of India*, 1912, Pt. I, p. 736.]

*No. 8893, dated the 14th December 1912.*—In exercise of the powers conferred by section 7 of the Indian Airships Act, 1911 (XVII of 1911), and with reference to Government notification in the Political Department, No. 8892<sup>1</sup>, dated the 14th December 1912, the Governor in Council is pleased to prohibit absolutely the navigation of Airships (other than those belonging to the British Military authorities) over the areas covered by the Cantonment of Deesa and the Rajkot Civil Station (including the Cantonment).

[*Bombay Government Gazette*, 1912, Pt. I, p. 2239.]

<sup>1</sup> Printed *supra*, p. 354.

## CIVIL STATIONS.

## Orders under Acts locally applied.

*No. 3216, dated the 24th May 1910.*—With reference to Government notification<sup>1</sup> No. 3215, dated the 24th May 1910, introducing the Bombay Land Revenue Code, 1879 (V of 1879), into the Residency and Civil Station of Kolhapur, the Governor in Council is pleased to apply to the aforesaid Residency and Civil Station the rules in force in the Bombay Presidency under sections 213 and 214 of the Land Revenue Code.

Bombay Land  
Revenue Code, 1879.

Application of  
certain rules to  
Kolhapur Civil  
Station.

[*Bombay Government Gazette*, 1910, Part I, p. 749.]

*No. 5041-I.C., dated the 20th December 1906.*—Printed in Appendix XVI.

Epidemic Diseases  
Act, 1897.

Delegation of powers  
to the Governor of  
Bombay in Council.

*No. 7237, dated the 13th November 1908.*—Under the authority conferred by the notification of the Government of India in the Foreign Department, No. 444-I.A.<sup>2</sup>, dated the 4th February 1897, and in supersession of the regulations published in Government notification in the Political Department, No. 4190 A., dated the 6th June 1902, as amended from time to time, the Governor in Council is pleased to prescribe the following regulations for the Rajkot Civil Station under section 2, sub-section (2), clause (b), of the Epidemic Diseases Act, 1897 (III of 1897):—

Regulations for  
Rajkot Civil Station.

## REGULATIONS.

1. The Political Agent, Halar Prant, subject to the general instructions of the Agent to the Governor, may appoint special officers either by name or by virtue of their office to devise and carry out under the Political Agent, Halar Prant's directions all measures necessary to prevent the spread of plague in Rajkot Civil Station. The special officers so appointed shall be known as Plague Authorities.

2. The occupant of a house or dwelling, or the principal surviving member of a family occupying a house or dwelling, shall give immediate information at the Station Secretary's office of (a) any death in the house or dwelling; (b) the arrival at the house or dwelling of any person from an area declared by the Agent to the Governor, Kathiawar, to be infected (c) any case of sickness in the house or dwelling presenting indications of plague, and (d) any case of sickness in the house or dwelling from whatsoever cause; provided that information in respect of cases falling under clause (d) need only be given during the period that the Rajkot Civil Station is

<sup>1</sup> *Bombay Government Gazette*, 1910, Pt. I, p. 748.

<sup>2</sup> Cancelled by notification No. 5041-I.C., dated the 20th December 1906. Printed in Appendix XVI.

declared by the Agent to the Governor, Kathiawar, to be infected by plague.

3. Every medical practitioner, whether he is a Government servant or not, who treats a case of, or in any manner becomes cognizant of the existence of, plague in any private or public dwelling other than a public hospital, shall give immediate information of the same at the Station Secretary's office.

4. Any Medical Officer duly appointed as a Plague Authority is authorised to examine, or to cause to be examined by any subordinate not below the rank of a Hospital Assistant, all persons within the station limits whom from information received or for other reason he may suspect to be suffering from plague, and after such examination, to detain or segregate such persons, if he considers it necessary, in such place as may be approved by the Political Agent for that purpose: provided that if any friend or relation of such persons make suitable private arrangements for their accommodation to the satisfaction of, and in a place which is approved by such Medical Officer, he shall be allowed to do so subject to such special conditions as the Medical Officer may see fit to impose.

5. If any such Medical Officer has reason to believe or suspect that any building intended to be or actually used as a dwelling is, or has been, occupied by a sufferer from plague and is in such a condition as to be unfit or unsafe for human habitation, he may prohibit by a written order the further use of such building as a dwelling house for so long as may appear to him necessary. And when any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation until the said officer gives him written permission in this behalf.

6. Such Plague Authority is authorised with the consent of the Political Agent, Halar Prant, to remove or burn any huts or erections in which a case of plague has occurred, or which are likely from their insanitary surroundings or conditions to give rise to the disease, or the destruction of which appears to be necessary to prevent the spread of plague.

7. Necessary measures for the disinfection of infected houses shall be taken under proper medical supervision by the Station Secretary. The owner or occupant of the house may however disinfect it himself at his own expense under the supervision of the Plague Authority if he so chooses.

8. Whoever shall disobey any regulation prescribed in these rules, or obstruct any measure which has been taken by competent authority under these rules, shall be liable to prosecution under section 188, Indian Penal Code.

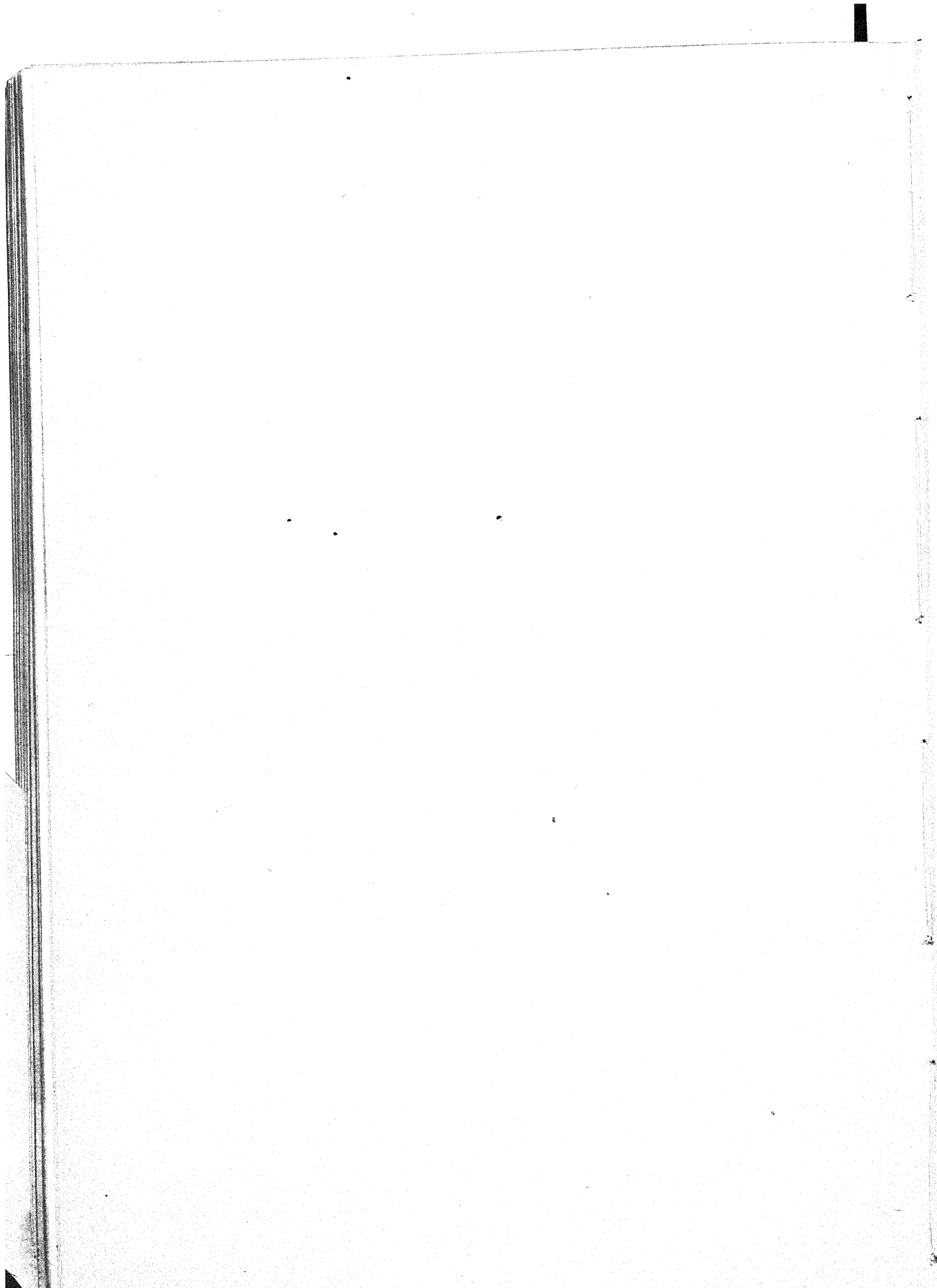
[*Bombay Government Gazette*, 1908, Pt. I, p. 2006.]



*No. 8893, dated the 14th December 1912.—Printed supra, page 484.*

Indian Airships Act,  
1911.

Prohibition of  
navigation over  
Rajkot Civil Station  
and Cantonment.



### Orders under Local Laws.

Wadhwan Cotton  
Duties Law, 1900:  
Rules.

*No. 4963, dated the 12th July 1901.*—In exercise of the powers conferred by section 20 of the Cotton Duties Law, 1900, published under Government of India's notification<sup>1</sup> No. 354-I.A., dated 25th January 1901, at pages 212 to 215 of the *Bombay Government Gazette*, Part I, 1901, the Governor of Bombay in Council is pleased to make the subjoined rules under the said law for carrying into effect the provisions thereof within the Wadhwan Civil Station.

#### *Returns and Notice of Assessment.*

1. The return required by section 5 of the Cotton Duties Law, 1900, from the owner of every mill in which cotton goods are produced shall be in form A appended to these rules and shall contain the particulars indicated therein, shown separately for each description of goods and for goods of the same description, but of different dimensions.

The declaration of the truth of such return shall be subscribed in the terms set forth at the foot of the said form.

2. When the return duly completed has been delivered to the Assistant Political Agent as provided in the law, the Assistant Political Agent shall check the same in any manner that may appear to him desirable and may for such purpose examine and compare or cause to be examined and compared the records and accounts of the mill. He shall satisfy himself that the quantities shown as warehoused have been actually so dealt with.

3. The Assistant Political Agent, when satisfied that the return is correct, shall send to the mill-owner a statement in form B appended to these rules, showing as due for the period to which the return relates the total duty assessed by him.

4. If the amount of the duty assessed is not immediately tendered, a notice may be served on the mill-owner under section 6, sub-section (1) of the Law, which shall be in form C appended to these rules.

#### *Mill Registers and Records.*

5. Every bale of goods made up at a mill shall be stamped with a consecutive number, which shall be entered at the time of baling in a register to be called the Bale Register. It shall further be marked before it is issued out of the premises of the mill with the date of issue.

From the 1st of August 1901 numbers commencing from 1 upwards should be given, and at the beginning of every calendar year a new number should be given. In order to identify the year to which the number belongs,

<sup>1</sup> Printed *supra*, p. 375.

alphabetical letter should be given below the numbers in the returns as well as on the dates,\* *i.e.*, for this year A should be written, for the next year B, for the third year C, and so on.

6. The Bale Register shall show—

- (1) the consecutive number of the bale;
- (2) the description of goods contained in the bale;
- (3) the real value of the goods;
- (4) the number of pieces of piece-goods;
- (5) the dimensions and weight of the goods;
- (6) the date on which the bale is issued out of the premises of the mill; and
- (7) the number of the gate pass on which the goods are issued.

7. All other goods not baled and marked in accordance with rule 6 shall be entered in a register of goods issued out of the premises of the mill in form D appended to these Rules.

*Special rule for all Mills in which Yarn is spun.*

8. The owner of every mill in which yarn is spun shall prepare and deliver to the Assistant Political Agent, on or before the 15th of each month, a return in form E of all yarn spun in the mill during the preceding month.

*Special rule for all Factories which manufacture Hosiery and other Wearing Apparel.*

9. The owner of every factory in which hosiery and other kinds of cotton wearing apparel are manufactured, who does not already keep the registers prescribed under Rules 5, 9 and 7, shall prepare and keep in English three registers, A-I, A-II and A-III, in the forms hereto appended, showing (i) the amount of cotton webbing manufactured daily for conversion into wearing apparel and (ii) the amount of hosiery goods daily made up into packets and ready for issue. In addition to these three registers the owner of every such factory shall prepare and keep the register of goods issued out of the factory premises mentioned in Rule 7 above. All these registers shall be kept upon the premises of the factory and shall be shown to the Assistant Political Agent or other officer duly appointed on demand.

---

\* *Sic.* Read "bales."

*Forms A to E and A-II and A-III prescribed by the Rules under the Cotton Duties Law.*

## FORM A.

Particulars of all Cotton Goods produced at the \_\_\_\_\_ Mill  
during the period beginning at \_\_\_\_\_ and ending \_\_\_\_\_ 190 .

Description of goods (1).	ISSUED OUT OF THE MILL PREMISES.		Number on bales (as in Bale Register).	Real value.	Reduction claimed under section 10 on account of quantity ware- housed in lbs.	Balance on which duty is now leviable in lbs.
	Weight.	Length.				
1	2		3	4	5	6
	Lbs.	Yards.				
<i>Chadars</i> . . .						
<i>Dhotis</i> . . .						
Drills and jeans . . .						
Jacconets . . .						
Madapollams . . .						
Mulls . . .						
Printers, shirting and long cloth.						
T cloths, domestics and sheetings.						
Other grey goods (To be specified by kind.)						
TOTAL .						

(1) To be shown separately for goods of different dimensions.

I do hereby declare that I have compared the above particulars with the records and books of my mill, and that they are in so far as I can ascertain accurate and complete.

*Dated this* \_\_\_\_\_ *day of* \_\_\_\_\_ 190 .  
(Signed)

(To be signed by the Mill owner, Managing Agent, or other principal officer of the Mill.)

Part II—Fancy goods, Part III—Hosiery, and Part IV—Other descriptions of goods will be in the same form and with the same verification and subscription.

## FORM A-I.

*Register of Cotton Webbing manufactured daily for conversion into Wearing Apparel.*

[illegible]

## FORM A-II.

COLOURED GOODS.

*Daily Register of Hosiery Goods made up into Packets and ready for issue at  
the \_\_\_\_\_ Hosiery Factory.*

[illegible]

## FORM A—III.

## GREY GOODS.

*Daily Register of Hosiery Goods made up into Packets and ready for issue at the \_\_\_\_\_ Hosiery Factory.*

DATE ON WHICH PACKETS WERE MADE.	COTTON GUERNSREYS, WHITE.				COTTON PANTS, WHITE.				COTTON SOCKS AND STOCKINGS, WHITE.				COTTON CAPS, WHITE.			
	Quality number.	Number of packets made.	Number in each packet.	Total number of dozens.	Quality number.	Number of packets made.	Number in each packet.	Total number of dozens.	Quality number.	Number of packets made.	Number in each packet.	Total number of dozens.	Quality number.	Number of packets made.	Number in each packet.	Total number of dozens.
(Month and year.)																
(Day of the month.)																

## FORM B.

*Statement of Cotton Goods assessed to duty with the amount payable thereon.*

Description of goods.	Weight in lbs.	Real value.	Total real value.	Rate of duty payable.	Total duty payable.
1	2	3	4	5	6
Part I—Grey goods .					
Part II—Fancy goods .					
Part III—Hosiery .					
Part IV—Goods of other descriptions.					
TOTAL .					

(Signed)

*Assistant Political Agent,  
Jhalavad Prant.*

*Dated this       day of       190 .*

## FORM C.

*Notice of Demand of Payment of  
Duty under section 6 (1) of the  
Cotton Duties Law, 1900.*

No. \_\_\_\_\_

ASSISTANT POLITICAL AGENT'S  
OFFICE,

\_\_\_\_\_ 190 .

Name of Mill \_\_\_\_\_

Owner \_\_\_\_\_

For the Month of \_\_\_\_\_ 190 .

Amount Rs. \_\_\_\_\_

Assistant Political Agent,  
Jhalavad Prant.

*N.B.*—No payment should be tendered on Sunday nor after 2-30 P.M. on any day nor after 12-30 P.M. on Saturdays.

## FORM C.

*Notice of Demand of Payment of  
Duty under section 6 (1) of the  
Cotton Duties Law, 1900.*

No. \_\_\_\_\_

ASSISTANT POLITICAL AGENT'S  
OFFICE,

\_\_\_\_\_ 190 .

To \_\_\_\_\_

Take notice that on behalf of Government I hereby demand payment by you of the sum of Rs. \_\_\_\_\_ now due and unpaid on account of duty for the month of \_\_\_\_\_ 190 , and that if the above amount be not paid into this office within ten days after the date of service hereof on you, I shall proceed to obtain payment of the same according to the provisions of the Cotton Duties Law, 1900.

Assistant Political Agent,  
Jhalavad Prant.



## FORM D.

Goods (not baled and marked in accordance with Rule 6 issued during the month of January 1901 from the \_\_\_\_\_ Mill.

Kind of Cloth and Dimension.	DATE OF ISSUE.																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Long cloth, 38×36×11 lbs.	Bales .	2	...	...	...	3	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	4
	Pieces .	80	...	...	...	120	...	...	...	...	...	...	...	40	...	...	...	...	...	...	...	...	...	160
	Lbs. .	880	...	...	...	1,320	...	...	...	...	...	...	...	440	...	...	...	...	...	...	...	...	...	1,760
Long cloth, 36×36×7 lbs.	Bales .	...	...	...	...	...	...	7	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...
	Pieces .	...	...	...	...	...	...	350	...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...
	Lbs. .	...	...	...	...	...	...	2,450	...	...	...	...	...	...	...	...	350	...	...	...	...	...	...	...
Shirting, 34×35×9½ lbs.	Bales .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Pieces .	50	...	...	...	...	...	200	...	...	...	...	...	...	10	...	...	...	...	100	...	...	...	...
	Lbs. .	475	...	...	...	...	...	1,900	...	...	...	...	...	...	95	...	...	...	...	950	...	...	...	...

Kind of cloth and Dimension.	DATE OF ISSUE.						GRAND TOTAL.		Total number of yards.	TOTAL. Bales.	Numbers on Bales issued.
	25	26	27	28	29	30	Pieces.	lbs. & oz.			
Long cloth, 38×36×11 lbs.	Bales .	...	...	...	...	...	4	...	...	...	14
	Pieces .	...	...	...	...	...	160	...	...	...	
	Lbs. .	...	...	...	...	...	1,760	...	...	...	
Long cloth, 36×36×7 lbs.	Bales .	...	2	...	...	...	...	...	...	...	10
	Pieces .	...	100	...	...	...	...	...	...	...	
	Lbs. .	...	700	...	...	...	...	...	...	...	
Shirting, 34×35×9½ lbs.	Bales .	...	...	...	...	...	...	...	...	...	...
	Pieces .	...	...	...	...	15	...	...	...	...	
	Lbs. .	...	...	...	...	142½	...	...	...	...	

783, 784, 812, 813, 820, 913,  
A B  
914, 915, 917, 919, 1012.  
B C  
1070, 1093, 1097.  
C

69, 70, 73, 75, 94, 97  
A B  
99, 103, 107, 123.  
C

## FORM E.

*Return under Rule 8 of the Rules under the Cotton Duties Law, 1900.*

Return made for the \_\_\_\_\_ Mill showing  
weight of all yarn spun during the month ending \_\_\_\_\_ 190 .

Count of yarn.	Weight in lbs. of each count.

Date \_\_\_\_\_ 190 .

(Signed)

(To be signed by the Mill Owner, Managing Agent, or other principal officer  
of the Mill.)

*Tariff value fixed under Section 4 of the Cotton Duties Law, 1900.*

In exercise of the power conferred by Section 4 of the Cotton Duties Law, 1900, published under Government of India's notification No. 354 I.-A., dated the 25th January 1901, at pages 212 to 215 of the *Bombay Government Gazette*, Part I, 1901, His Excellency the Governor in Council is pleased to fix, for the description of cotton goods hereunder specified, tariff values as follows.—

COTTON GOODS, UNBLEACHED.

*Grey Goods.*

	Tariff value per lb.	
	As.	P.
1. <i>Chadars, chalottas, chollas, dhotis</i> , long cloth, shirtings and <i>tarfals</i> , plain or with white borders, or with coloured borders not exceeding $\frac{1}{4}$ inch . . . . .	6	6
<i>Chadars, chalottas, chollas, dhotis</i> , long cloth, shirtings and <i>tarfals</i> , plain or with white borders, or with coloured borders over $\frac{1}{4}$ inch but not exceeding $\frac{1}{2}$ inch . . . . .	8	0
2. Commissariat cloth . . . . .	6	6
3. Domestic . . . . .	6	6

	Tariff value per lb.	
	As.	P.
4. Drills and jeans, plain . . . . .	6	6
5. <i>Dorias</i> , including <i>Charkhni</i> . . . . .	8	0
6. Hungary cloth, including <i>khadi</i> and double cloth . . . . .	6	6
7. Jaconets . . . . .	12	0
8. Madapollams . . . . .	6	6
9. Mulls . . . . .	12	0
10. Printers . . . . .	8	0
11. Sail-cloth . . . . .	6	6
12. <i>Sallas</i> , including <i>dhotars dupattas</i> and <i>uparnas</i> . . . . .	6	6
13. Sheets, bed, plain (other than twills) . . . . .	6	6
14. Sheetings . . . . .	6	6
15. Striped grey cloth, stripes . . . . .	6	6
16. <i>Saris</i> , grey . . . . .	6	6
17. T cloth including China T cloth . . . . .	6	6
18. Tent cloth . . . . .	6	6
19. Trouserings, corded . . . . .	8	0
20. Zanzibar cloth, including American cloth . . . . .	6	6

*Fancy and Coloured Goods.*

21. Blankets and blanketing (unraised), grey . . . . .	6	6
Do. do. coloured . . . . .	8	0
Do. (raised), grey . . . . .	9	0
Do. do. coloured . . . . .	10	0
22. Bed ticking, plain or drilled . . . . .	7	6
23. Coloured goods, including checks, <i>susi</i> with coloured weft, Calicut cloth, <i>cholis</i> , <i>charsas</i> , cord drill, <i>galatea</i> , <i>teheria</i> , <i>saris</i> , Thana cloth . . . . .	10	0
24. Drills and jeans, striped and checked . . . . .	8	0
25. Figured goods, including figured table cloths, bed covers and quilts, grey . . . . .	8	0
Figured goods, including figured table cloths, bed covers and quilts, coloured . . . . .	10	0
26. Flannelettes . . . . .	10	6
27. Napkins . . . . .	8	0
28. Sheets, figured and striped or twills, including <i>patti</i> and <i>thope</i> , borders not exceeding $\frac{1}{4}$ inch . . . . .	8	0
29. Striped grey cloth, coloured stripes, including ordinary <i>Susi</i> . . . . .	8	0
30. Towels, Turkish . . . . .	9	6
Do. other sorts . . . . .	8	0
Fents, grey . . . . .	6	6
Do. fancy . . . . .	8	0

[*Bombay Government Gazette, 1901, Pt. I, p. 1298.*]



CHAPTER XV.

**BOMBAY—ADEN PROTECTORATE.**

*Nil.*



CHAPTER XVI.

**BURMA.**

*Nil.*





CHAPTER XVII.  
**CENTRAL PROVINCES.**

**NATIVE STATES.**

*Nil.*

**BERAR.**

*To be published separately.*



CHAPTER XVIII.

**MADRAS.**

*Ni.*



## CHAPTER XIX.

## PUNJAB.

## STATES IN THE PUNJAB.

## Orders under Special Laws.

Bengal Eastern  
Frontier Regulation,  
1873, as applied to  
Bashahr.

No. 537, dated the 3rd December 1907.—Under the provisions of section 2 of the Bengal Eastern Frontier Regulation, 1873 (V of 1873), which has been extended to the State of Bashahr by the notification \* of the Government of India in the Foreign Department, No. 4449-E.C., dated 14th November 1907, and in exercise of the powers conferred on him by the aforesaid notification, the Lieutenant-Governor of the Punjab, with the previous sanction of the Governor-General in Council, is pleased to prescribe the line described below as the "Inner Line" on frontier of the said State :—

Restrictions on  
crossing the "Inner  
Line" as defined.†

From a point about four miles east of the Great Snowy Cone (19,962 feet) on the Bashahr-Tehri boundary along that boundary in a westerly direction so far as the Nela Peak, thence northwards to Nilhal on the Baspa river and down that river so far as Chitkul, from Chitkul over the Charang Pass to Dogri in the Todoong Valley along the Todoog river to the Sutlej, up the Sutlej so far as the confluence of that river and the Spiti river, and thence up the Spiti river to the border of Spiti.

In exercise of the powers conferred by the section above quoted and by the aforesaid notification, the Lieutenant-Governor is further pleased to prohibit all persons residing in or passing through the Bashahr State other than officers on Government duty, or persons who by nationality are either Indians or Tibetans, from going beyond the 'Inner Line' in the said State in an easterly direction without a pass under the hand and seal of the Superintendent, Hill States.

[*Punjab Gazette*, 1907, Pt. I, p. 923.]

No. 538, dated the 3rd December 1907.—In exercise of the powers conferred by section 4 of the Bengal Eastern Frontier Regulation, 1873 (V of 1873), which has been extended to the Bashahr State by the notification \* of the Government of India in the Foreign Department,

Form of pass for  
crossing the "Inner  
Line."

\* Printed *supra*, p. 433.

† For similar orders regarding Spiti and Lahul, see notifications Nos. 535, 536, 540 and 541 of the same date. Nos. 536 and 541 are likewise amended.

No. 4449-E.C., dated 14th November 1907, and in pursuance of the authority conferred on him by that notification, the Lieutenant-Governor is pleased to prescribe the following form of pass for crossing "the Inner Line" of the said State :—

*Pass granted under section 4, Regulation V of 1873.*

BASHAHR STATE.

1	2	3		4	5	6	7	8
Register No. of pass.	Name of grantee, with father's name and residence.	PERIOD DURING WHICH PASS IS VALID.		* Purpose for which line is crossed and the route to be followed.	Points where line may be crossed, going and returning.	Date of passing out-post at exit, signed by out-post officer.	Date of return to out-post.	REMARKS.
		From	To					

N.B.—1. This pass will be given up to the officer in charge of the out-post on the grantee's return.

2. The grantee shall not visit any place, or travel or attempt to travel by any route, other than that indicated in the pass.

3. On receipt of written notice of the cancellation of the pass, the grantee shall forthwith return with the "Inner Line" by such route as may be indicated in such notice, or if no route be indicated, then by the shortest route.

SIMLA ;  
 The } Superintendent, Hill States.

The Lieutenant-Governor authorises the officer issuing the passes as aforesaid to levy a fee of eight annas on each pass.

[*Punjab Gazette*, 1907, Pt. I, p. 923.]

\* Substituted by notification No. 83, dated the 6th March 1908. *Punjab Gazette*, 1908, Pt. I, p. 126.

## KASUMPTI.

Orders under Acts locally applied.

No. 5041-I.C., dated the 20th December 1906.—Printed in Appendix  
XVI.

Epidemic Diseases  
Act, 1897.

Delegation of powers  
to the Local  
Government.